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MORAL and POLITICAL

DIALOGUES:

BEING THE

Subſtance of ſeveral Converſations

BETWEEN

DIVERS EMINENT PERSONS

OF THE

PAST and PRESENT AGE;

Digested by the Parties themſelves,

AND

Now FIRST publiſhed from the original MSS

WITH

CRITICAL and EXPLANATORY NOTES

By the EDITOR.

Reſpicere exemplar morum vitæque jubebo
Doctum imitatorem, et veras hinc ducere voces. Hor.

LONDON,
Printed for A. Millar, in the *Strand*; and W. Thurlborne and J. Woodyer at *Cambridge*.
MDCCLIX.

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PREFACE.

AS ſoon as my good fortune had thrown the following curious dialogues into my hands, I determined forthwith to give them in full meaſure, and in the beſt manner, to the deſerving public. With this view, having enriched them with a courſe of *notes critical and explanatory*, I ſent them to a bookſeller of good credit and acquainted him in a civil way, that though I demanded for myſelf but a moderate ſhare of the profits, I ſhould conſent to a pretty large impreſſion. I even intimated to him that I ſhould not be diſpleaſed, if he took to himſelf the benefit of running off *two thouſand* copies.

Calling upon him ſome days afterwards to know if he had conſidered my propoſal, the provoking man drew me inſenſibly into the following converſation, which for certain reaſons I have fancied may not be unacceptable to the public.

Accept it then, courteous reader, in the very terms in which it paſſed between us; and if there

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be any inſtruction to be gathered from it to thyſelf, *fruere et lætare.*

BOOKSELLER.

Two thouſand copies!—I tell you honeſtly, Sir, I dare venture on no more than *Two hundred and fifty.*

EDITOR.

What, not venture largely on theſe dialogues? Look you, Mr.———, I take you for a man of ſenſe and knowledge in your buſineſs. You cannot be ignorant that what I offer you is no vulgar traſh of either antient or modern pens. You have here a collection of choice and authentic converſations; not between men of obſcure names, or, which is ſtill worſe, between thoſe ſhadows of men without name, the A's and B's of every alphabet. The ſpeakers in theſe dialogues are real perſons; men, once fairly exiſting in the world, nay and the moſt reſpectable of their times, the very ſame, many of them, whoſe works you ſell ſo well and ſo creditably live by.

BOOKSELLER.

True, Sir; but poſthumous works, you know———

EDITOR.

I grant you, as to ſermons of divines, or even eſſays and fragments of politicians. But theſe, though poſthumous, are of much better birth; complete

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complete pieces, I assure you; and though not intended for the public eye, drawn up with as much fidelity and exactness as if they were. And let me tell you, the very circumstance of their having passed in private between friends gives them so much the air of a secret, that it cannot fail to pique the reader's curiosity and carry off a large impression.

BOOKSELLER.

Indeed, Sir, if the subjects had been of a happier cast, that dash of a secret might——

EDITOR.

Oh, I understand you. If these dialogues had turned on some love-adventure or court-intrigue; if they had called in question any received principle of religion or good manners; above all, if they had dealt in scandalous history, and had discovered to us some defect in the morals or some notorious weakness in the understandings of men, whom the world hath been taught to reverence; if any thing of this sort had been brought to light in the dialogues, some good, you would say, might have been expected from them.

BOOKSELLER.

I cannot deny that something of that nature was in my head. For to think the public will take an interest in hearing these old folks talk together, as they were wont; or will attend to what they have to say for themselves on half a dozen impracticable subjects of morality and po-

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litics, which every news-paper too treats of; believe me, Sir, this is downright extravagance in you. And I cannot but wonder that a gentleman of your years, and ſo much diſcretion as (pardon me, Sir,) your appearance ſpeaks you, ſhould have fallen into ſo wild a notion.

EDITOR.

To ſay the truth, the ſubjects are not altogether ſuch as I could wiſh them. I have even that confidence in your judgment of the public taſte as to believe, that what you ſeem to have an appetite for, would have ſatisfied it much better. Yet ſurely matters cannot be ſo bad as you repreſent them. The ſubjects indeed are common: But therefore the fitter, one would think, for common readers. What, I pray you, are the moſt admired and correct works of the time? The CONNOISSEUR, you will tell me, or the WORLD. Your brother Dodſley declares poſitively for the WORLD. Nay, if you belive ſome judicious perſons, it contains all the wit, and well nigh all the learning of the preſent age. And yet there is ſcarce a ſubject in it but is ſo common, and, what is more, treated ſo naturally, that you ſhan't find a court-lady, or even a court-chambermaid but thinks ſhe could have done as well. But as Horace ſays (you underſtand latin, Mr.———)

——— *ſudet multum, fruſtraque laboret*
Auſus idem———

So

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So it is with theſe dialogues, I promiſe you. And for matter of authority, ten to one the names of COWLEY, WALLER, ADDISON, ARBUTHNOT, &c. may go as far with ſome readers, as thoſe of C. M. B. J. or even Mr. DODSLEY himſelf.

Then as to what you ſay of theſe men converſing but *as they were wont*, why this, I ſhould fancy, muſt be very taking in an age that piques itſelf on it's knowledge of men and manners, and loves, above all things, to ſee the truth of character in every compoſition. Alaſs, Mr.—, to what purpoſe have ſo many fine novels been written and read of late, if they have not created a perfect reliſh for the *truth of character*?

BOOKSELLER.

Yes, novels, if you pleaſe. Another *Pompey the little*, and I'd ſay ſomething to you. Or, if your fancy lay to the ſublime, another *Meditation on the ſtarry heavens* might do wonders. But theſe ſame dialogues, which nobody laughs or ſtares at——

EDITOR.

To be at a word with you, it mads me to hear your affected ſcruples about a work, which, before it has been out ten days, every converſation will ring with. For don't imagine you have to do with one of thoſe ſtarvelings, that

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bring their wares to market for a piece of bread. Fame, Mr.——, Fame is my object.

BOOKSELLER.

What, of the *editor of another's work?* Why, this ſort of language is out of date, even with our greateſt authors. Time was, as I have heard old Tonſon ſay, when young men writ for reputation; but it was, I ſuppoſe, when reputation was the ready road to ſomething better. Be that as it will, even young men are wiſer in our days. A quick ſale and ready money are all that reaſonable writers now aim at.

EDITOR.

And will you tell me that ſuch mercenaries deſerve to be ranked in the claſs of authors? I am, as you ſay of me, but a ſimple editor. Yet you miſtake your man if you think that any thing but the glory of uſhering in a complete work to the public, could have tempted me to aſſume even that character.

BOOKSELLER.

Indeed, Sir, theſe are ſtrange flights—But be your notions of fame and authorſhip what they will, I ſtick to my point: Not one above *two hundred and fifty* will I publiſh. Thus far I go on ſure grounds. Sir, I have made my calculation. Taking in the ſeveral pamphlet-clubs and circulating libraries about town, and the learned aſſemblies of reading divines in the country, and allowing

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allowing for ſome dozen or two of your own friends and chance-cuſtomers, that number, I verily believe, may be got off.

EDITOR.

Come, Sir, let me intreat you. No more of theſe freedoms with great authors. I have ſome knowledge myſelf, of the age we live in. I take it to be a fine diſcerning age, notwithſtanding the ill impreſſions you would give me of it. It cannot be but that ſuch a work as I put into your hands, muſt meet with a very noble reception. The fine gentlemen will think it as eaſy reading as a French novel or an Engliſh piece of politics. And the learned will regard it as a perfect model of dialogue-writing. But above all, the Antiquarians will be charmed with theſe remains of the golden age of literature. Think only, how the INCORPORATED SOCIETY will dote upon them. Sir, I may be bold to ſay, they would have enriched the Britiſh Muſeum, to which (if the governors had not reſolved to buy no more, and I had not reſolved, at all events, to give this treaſure to the public) I ſhould certainly have devoted them.

Of the *Notes*, indeed, I ſay nothing, becauſe they are my own proper manufacture. But good judges tell me they cannot be ill received in ſo note-writing an age as the preſent, when Hudibras or Horace equally ſerves the turn for a commentator to ſhew his wit on.

In

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In a word, Mr.——, I have a reſpect for you. I intend the whole for your benefit, as well as the entertainment of the public. And I muſt not have you neglect to do yourſelf good by a very large impreſſion.

BOOKSELLER.

Sir, I am much beholden to you for this courteſy. Not, but to ſay the truth, I have been honoured in my time much in the ſame way by many other of the great authors I deal with. But under favour, Sir—not that I have any ſcruples myſelf—but—may I depend on the dialogues being truly original?

EDITOR.

Nay, if you go ſo far as to ſuſpect that——

BOOKSELLER.

Why ſuch things have been, and very lately too. You muſt have heard how a brother of mine was ſerved the other day, who bargained and even paid for a ſet of letters, pretending to have been the furniture of a noble peer's cloſet, whereas the town knows they were but the ſweepings of a dirty garret. Not that I would inſinuate any thing like this of your dialogues. I put the queſtion only, becauſe a learned perſon, a Scots gentleman, I have in my houſe, and whom I uſually adviſe with in theſe caſes, has hinted to me that on running them over he has ſome ſlight ſuſpicions of that nature.

EDI-

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EDITOR.

Oh, none like your Scots critic for ſmelling out a roguery. But, Sir, did you ever hear of a forgery in your life, without ſome reaſonable end propoſed by it? And what end can you ſuſpect me of propoſing to myſelf? Not that of profit, it is clear, ſince you, who have the reputation of dealing as generouſly by your authors, as any man, ſcruple the printing even ſo many copies as will pay the charge of the impreſſion. As little can it be the fame of paſſing for an original writer, ſince, if the impoſture ſucceeds, the author of courſe is out of ſight. Nor, laſtly, the perverſe pleaſure of impoſing on the learned: of which there is ſmall hope, if your family-critic has got the ſcent ſo early.

I have a mind to ſatisfy you and therefore give you theſe unanſwerable reaſons againſt the charge of impoſture. But this, as I ſay, is only for yourſelf. For where is the hurt, I mean to the bookſeller, if ſome learned critic ſteps forth and undertakes to prove the whole collection to be ſpurious? This, of courſe, brings on a controverſy. The public attention is raiſed. Pamphlets are publiſhed on both ſides. And when matters become reaſonably embroiled, or the ſubject grows ſtale, out comes an advertiſement that the original manuſcripts are in your hands, for the ſatisfaction of the curious. All this while you are on the winning ſide. And the contention only ſerves to quicken the ſale and confirm the credit of the collection.

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BOOKSELLER.

I muſt needs confeſs there is ſomething taking in this project. But we of the better ſort in the trade reckon it the fairer way to expoſe the manuſcript at firſt, for the ſatisfaction of the curious.

EDITOR.

You muſt excuſe me there, Mr.——, depend upon it, the dialogues are preciſely what the editor gives them for. But he has his reaſons for leaving captious people to themſelves at firſt. And what if he has a mind to make an experiment of the public judgment? A great poet, you have heard, once did ſo, and had the pleaſure of laughing very heartily at the expence of his judges.

BOOKSELLER.

Ah, Sir, theſe experiments on the public are dangerous things. But it ſhall be as you pleaſe. And becauſe I ſee you underſtand ſomething of good management, I don't care if for once I change my mind, and even venture on *five hundred*. But this only, provided the additional *two hundred and fifty* be uſhered in with a new title-page, ſetting forth the SECOND EDITION.

EDITOR.

Now indeed you talk a little reaſonably—But one word, before we part, of the manner of introducing this treaſure to the public. You will,

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of courſe, ſee to a large type and good paper. And would not a few deſigns, if well done by the beſt hands, be very proper, as giving the public to underſtand that they have to do with no vulgar writer?

BOOKSELLER.

All that, in due time. When a book has made its fortune with the lower claſs, theſe decorations may do well, and help to bring it into better company. But there is no hazarding this expence at firſt. Your plain Engliſh reader loves his pennyworth for his penny. He is apt to ſtartle at a thin page and large margin, and thinks your pictures but a pretty device to cheat him of his money.—Sir, allow me to be the beſt judge of theſe matters. But there is one thing you will do well to conſider. You intend to *dedicate*, no doubt——

EDITOR.

Why, truly I have been thinking of that. But, though the great men of our time are extraordinary judges of literature, and many of them, to do them juſtice, no leſs extraordinary writers, yet I cannot bring myſelf to beg the patronage of any of them to theſe dialogues. It would look like a diſtruſt of their own merit. And beſides who knows but that, conſidering the indigence of moſt authors, and the liberality of ſuch patrons, a worſe diſhonour may enſue, and the editor be thought capable of a deſign to enrich himſelf by this publication, whereas his ſole purpoſe,

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purpoſe, as you know, is to benefit the public.

BOOKSELLER.

Alas, no, there is little danger of that imputation. The patrons of our days think a great deal too delicately to diſgrace letters, by any paltry returns of that kind for the honour which letters do them. And, to ſay the truth, why ſhould any ſuch return be expected? For a *dedication*, as I take it, is for our ſake, not their's. A noble name in the front of a new work does the office of a fair ſign. It catches the eye of paſſengers, and invites cuſtom. And it is purely, Sir, upon this footing that I make bold to recommend it.

EDITOR.

You are a wiſe man, Mr.——, and know beſt what expedients of this ſort it is proper even for great authors to ſubmit to. But for the dialogues themſelves, let me hear no more of your objections. Not but I believe they are as good as any body elſe will ever bring againſt them. And for that reaſon I will even ſet them down and make a preface of them, that ill-diſpoſed men may ſee how little the editor apprehends from the worſt that can be ſaid againſt them.

DIA-

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DIALOGUE I.

ON

SINCERITY

IN THE

COMMERCE of the WORLD:

BETWEEN

Dr. HENRY MORE

AND

EDMUND WALLER, Esq;

— In Aristippi furtim præcepta relabor,
Et mihi res, non me rebus submittere conor.

HOR.

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DIALOGUE I.

On SINCERITY in the Commerce of the World.

Dr. HENRY MORE, EDMUND WALLER, Eſq. *

Dr. MORE.

" PUlchra ô SIMPLICITAS! beata Virgo!
" Tu vincis radios nitore Phœbes,
" Tu ſtellas ſuperas decore cunctas;
" Tu"——†

Mr. WALLER.

Enough, enough, my good friend. Your enthuſiaſm is too powerful for me. There is a perfect magic in your encomiums. They warm me to that degree that I too, in my turn, could almoſt declaim, as you have done, on the intrinſic excellencies of TRUTH and HONOUR.

Dr. MORE.

Believe me, there is nothing magical in the caſe. Such is the natural impreſſion which theſe ſort of paintings make on a mind like your's. For there is ſomething I have always obſerved of near affinity between *virtue* and the *elegant arts*. Whoever is born with a quick ſenſibility of the *one*, is rarely with-

* The *time* and *place* of this converſation are luckily fixed by the following memorandum, entered on a blank leaf of the original;

" A conference with Maſter *Edmund Waller*, at his " manor of BECONSFIELD, in the AUTUMN of the Year " 1675. H. MORE."

† From his Latin poem, entitled MONOCARDIA.

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out a high reliſh of the other, and more perfect beauties.

Mr. WALLER.

Such I know is the language of you Platoniſts, who have an agreeable way of reſolving all virtue into *taſte*. And there is ſomething, I muſt own, very taking in this philoſophy. The pictures you draw of the moral *forms*, as you call them, are ſo lovely, that a man can hardly avoid contracting a ſort of paſſion for them. But may not this paſſion cool or go off, as other paſſions do, by time? Or may not experience furniſh ſomething more ſubſtantial for the mind to reſt upon than theſe thin and ſhadowy viſions?

Dr. MORE.

O! you miſtake me, Sir, if you think I meant to repreſent *Sincerity*, which I have been magnifying ſo much, in the light of a fair picture only. The ſentiments I have delivered to you, are great and ſolid truths; ſuch as the underſtanding may dwell upon, and which deſerve, or rather demand, to be made the governing principles in life.

Mr. WALLER.

Why ſo indeed they have ever appeared to me in my calmer hours, and more eſpecially when, as at this time, I come forth from *Plato's* or your ſchool, where no embelliſhments of wit or fancy have been wanting to recommend them. Then indeed the impreſſions are ſtrong: I perceive a diviner ſpirit breathing on my mind: and all your praiſes and panegyrics on Sincerity hang like a charm about me, and continue ſounding in my ears. But ſhall I confeſs to you that my ſoft and pliant affections have not been able to retain thoſe impreſſions very long; but that as ſoon as I returned into the buſy haunts and commerce of men, I have found them vaniſh from off the mind like

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like a dream, or as the ſlight texture of yon cloud which we ſee diſperſing before us?

Dr. More.

This, which you deſcribe, is very likely to be the caſe of thoſe who enter on the ſcene of life without any fixed principles. But I do not apprehend how the world ſhould immediately, as you ſuppoſe, efface a virtue ſo agreeable to the human mind as that of Sincerity, when it has once fairly taken poſſeſſion of it. Much leſs can I believe that you intended to give this as the reſult of your own perſonal experience.

Mr. Waller.

To deal plainly with you, I meant it as an acknowledgement of my own weakneſs. Nay the ſenſe of it hath ſometimes carried me ſo far as to ſuſpect that the art of living, like many others, is rather to be conſidered as a ſpeculative amuſement, which may ſerve to fill up our vacant hours, than as a rule of conduct which can be expected to have much influence in real life.

Dr. More.

If I could think you ſerious in this profeſſion, it would almoſt tempt me to alter the opinion I had entertained of you men of genius. Virtuous impreſſions, I ſhould then ſay, though made with more difficulty on coarſer minds, yet are more laſting in them than in thoſe of a finer texture, that native warmth which prepares you to receive, diſpoſing you as eaſily to give up, the impreſſion. But, though you diſſemble the matter, it is not difficult, I believe, to gueſs at your real meaning. It is not that you judge the principle itſelf to be chimerical, or that philoſophy hath not arguments enough to enforce it; but that thoſe which philoſophers often urge in its behalf are not ſo convincing as you ſuppoſe they might be: and this may very well have been the caſe in this converſati-

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on. You would ſay then (if your politeneſs would give leave for ſo frank a declaration) that the manner in which I have taken upon me to recommend Sincerity, is defective. This, at leaſt, is what I ſhould be diſpoſed to admit, much ſooner, than that a perſon of your worth and liberal breeding, can be wanting in a due attachment to ſo conſiderable a branch of moral virtue.

Mr. WALLER.

This candour is no more than might be expected from a generous nature, like your's, poliſhed and humanized by the beſt philoſophy. But wherever the defect lies, I muſt freely own to you, the praiſes, which you and other moraliſts have ſo frequently, and in ſuch triumphant terms, given to this virtue, have not been attended, in my own caſe, with the full effect, you ſeemed to promiſe yourſelves from them. And yet I do not forget the late admirable ENCHIRIDION *; in which, as in this diſcourſe, you employ your utmoſt eloquence, to adorn and recommend it. The reaſons of this diſappointment may, perhaps, be various: but a want of force or care in *delivering* the doctrine, I am apt to think, is not one of them. On the contrary, the very pomp with which it hath been ſet off, hath contributed, perhaps, as much as any thing, to miſlead our judgment of the doctrine itſelf. One is more eſpecially inclined to this ſuſpicion, when the eloquent moraliſt himſelf is of that warm temperament, that his affections readily flame out at the touch of his own fiery meditations, and when thoſe, to whom he addreſſes himſelf, are alſo not void of thoſe *ſenſibilities* you before ſpoke of. When this is the caſe, it is eaſy to foreſee what will be the effect of ſo extraordinary a combination: For as the air and tone of the ſpeaker are then divine, ſo,

* The ENCHIRIDION ETHICUM, firſt publiſhed in 1667. The chapter alluded to ſeems to be 3. L. II. on the Subject of SINCERITY.

as

as I remember *Seneca* ſomewhere obſerves †, the hearers in ſuch circumſtances, eaſily paſs into all his affections and tranſports, diſcovering in the agitation of their mind and countenance, a degree of fury, not unlike to that which poſſeſſed the prieſts of *Cybele*, on the ſtriking up of their ſacred fifes and cymbals.

Dr. More.

It is not ſtrange that you Poets, who, as one of your own family expreſſeth it, are *of imagination all compact*, and have on a thouſand occaſions felt the force of its illuſions, ſhould be ſo ſuſpicious of its power, and ready to reſolve all conviction into the trances of this faculty. Yet this, allow me to ſay it, is no generous return to the ſage, who, knowing the importance of his doctrines, is willing to employ every honeſt ſtratagem to recommend them. Nay perhaps his ambition was to catch, by this artifice, the finer ſpirits; to draw in ſuch as you to the intereſts of virtue, whom the auſterity of ſtrict proof and the argumentative form might have chanced to frighten from the ſchools of moral ſcience. And if this were the deſign of the rapturous moraliſts, you glance at, it ſhould ſeem from what hath now ſo inadvertenly fallen from you, that their meaſures were not ill taken. You diſcover, even in this attempt to undervalue their ſervices, the poſſeſſion which their enchantments (for ſo you chooſe to repreſent them) have taken of you. And if in a mind ſo prepared to receive the ſtamp of Virtue, its traces, as you ſay, diſappear ſo eaſily, the effect, I muſt think, is too extraordinary to be charged on a play of wit and fancy. It is an argument indeed not ſo much

† I am not ſure if the following be the paſſage intended, but it comes the neareſt to this ſentiment of any I have obſerved in the writings of Seneca. *Quidam ad magnificas voces excitantur, et tranſeunt in affectum dicentium, alacres vultu & animo; nec aliter concitantur quam Phrygii ſolent tibicinis ſono ſemiviri & ex imperio furentes.* [Sen. *Ep.* 108]

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of any defect in the ſyſtem of the Philoſopher, as of the infirmity of human nature itſelf, even in thoſe, whom we have hitherto regarded as the brighteſt examples of it.

Mr. WALLER.

I believe there is real *truth* in what it might, perhaps, be thought more decent for me to underſtand as a compliment only. It is, if you pleaſe, in the *infirmity of human nature* we are to look for a good account of the little hold which all your lectures of virtue have ever taken of the mind. But this infirmity, once acknowledged, ſhould methinks admoniſh you to new-mould and regulate your ſyſtems. For to what purpoſe ſhould you preach up the ſacred and indiſpenſable obligation of any virtue, when the known conſtitution of human nature will not bear it, or when the firſt entrance into life and action proves the plauſible and fine-ſpun hypotheſis to be a perfect chimæra? Particularly, in the inſtance of your boaſted *Sincerity*, I can hardly believe, if inſtead of yielding to the viſions of an eager fancy, you had attended ſomething more to the circumſtances of plain fact, it could have been poſſible for you to think of magnifying this pretended virtue as you have done. But there are two misfortunes (for having launched ſo far into this nice ſubject, I ſhall now, with your leave, proceed plainly and directly in it) conſtantly attending the moral diſquiſitions of you lettered and cloyſtered men. The FIRST is, that you ſeldom look beyond the narrow circuit of your own cells; and theſe, you know, contain within them none but what are formed to one model, and who have, beſides, no trials to ſtruggle with in the practice of that which no paſſion contradicts. Hence it comes to paſs that you do not conſider what the real condition of mankind is, nor how impracticable all your ſchemes are in that world to which your ſituation makes you entire ſtrangers.

Dr.

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Dr. MORE.

It is true, theſe are inconveniences which lie in the way of us retired moraliſts. All that can be ſaid for us is, that we endeavour to make up for our own want of experience, by building on that of other men.

Mr. WALLER.

Yes, that was the OTHER particular I was going to object to you. Having no experience of life yourſelves, you take up as you ſay, with the repreſentations which others have given of it. And the greek and latin writers ſtanding foremoſt in the eſtimation of you ſcholars, it is from theſe that all your notions of *life and manners* are drawn, juſt as our late politicians were obſerved, you know, to take from the ſame ſource their maxims of *civil government*. Whereas *both* were manifeſtly calculated for other men and other times. The want of attending to this difference hath driven many a patriot into rebellion: And I muſt think it, in ſome meaſure, owing to the ſame learned prejudice that ſo many grave writers have run into a fanciful and enthuſiaſtic morality.

Dr. MORE.

After much unneceſſary preparation you have now at length, I muſt confeſs, very ſufficiently explained yourſelf. Your opinion then is, that the rules of moral virtue, like the forms of dreſs, vary with the humours of men, and that a ſyſtem of morals is to receive a new air and cut at the good pleaſure of thoſe who wear it.

Mr. WALLER.

Not entirely at their pleaſure; but, ſurely, according to the prevailing mode and practice of the times.

Dr.

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Dr. More.

I believe, I take your meaning. But, to be ſerious, this is a ſtrange paradox to me, who have always thought that morality is independent of our fancies and cuſtoms, as ariſing from thoſe unalterable relations in which the author of nature hath placed us with regard to each other; and not like the rules of civil policy, which take their riſe from convenience, and the arbitrary appointment of men.

Mr. Waller.

Thoſe relations are not altogether ſo unalterable as you ſequeſtered men are accuſtomed to repreſent them. How, for inſtance, can the *relation* which a man of affairs bears to his country, under the management of the prince or his firſt miniſter in our monarchical government, be thought the ſame as that which an old Greek or Roman ſtood in to the ideal majeſty of his equal republic? and if the ſituations are ſo different, how can the claſs of duties belonging to one and the other be the ſame?

Dr. More.

Very eaſily, if that fidelity which the Greek or Roman magiſtrate ſhewed in the diſcharge of his truſt to his commonwealth, be obſerved by the Engliſh courtier in the ſervice of his prince, and that ultimately (for in this all legitimate conſtitutions of government agree) for the good and ſervice of the ſtate.

Mr. Waller.

This laſt clauſe was very material. But here again is a fine notion, which I can readily believe you have often indulged with great complacency in your cloſet at college, and is doubtleſs one of thoſe themes which are ſet forth with ſo much florid declamation in the exerciſes of your young ſcholars. But not to waſte

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more time in fruitleſs altercation, let ME, if you pleaſe, aſſume the philoſopher, and read you a lecture of morals. Not out of ancient books, or the viſions of an unpractiſed philoſophy; but from the ſchools of buſineſs, and real life. Such a view of things will tend to diſcredit theſe high notions, and may ſerve for the future to amend and rectify all your ſyſtems.

Dr. MORE.

I have no objection to this, provided your lecture be intended only as a map of modern life, or an exerciſe of your wit, and not as a ſcheme of morals which is to ſuperſede that of Plato or the Goſpel. For, to return your frankneſs in kind, I can have no opinion of a moral ſyſtem that is to be faſhioned according to the mode at court, or of a moral practice that is to give way to the convenient cuſtoms of the world. Ignorance of mankind is a heavy charge againſt a moraliſt, and how juſtly urged, in the preſent caſe, may not be a fit matter for him, who is himſelf a private retired man, to diſpute with you. But ſurely there muſt be ſome inconſiſtency in alledging this defect, and blaming at the ſame time the uſe of thoſe means which are moſt likely to remove it. The philoſophers of Greece and Rome were not idle and ſequeſtered ſpeculatiſts: they were men of action and buſineſs; and, by every advantage of ability and experience, well qualified to give juſt pictures of mankind. They have accordingly been ever ranked in the firſt claſs of thoſe who have inſtructed us in the knowledge of ourſelves; and I concluded the ſtudy of their writings, if it could not altogether excuſe and cover the want of perſonal experience, was yet an effectual method to prevent a moraliſt from the ſhame of being accounted viſionary or fantaſtic.

Mr. WALLER.

I diſpute not the ability of the antient ſages, or the fidelity

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fidelity of thoſe pictures they have left us of mankind. They were doubtleſs taken from the life, and the rules of conduct, delivered in their writings, were well adapted to the ſtate of things which prevailed in their popular governments. But what I blame is the rigorous application of their maxims. Be they ever ſo excellent in themſelves, they certainly require to be ſoftened and adapted by ſome reaſonable accommodation, to the different circumſtances of other countries and times.

Dr. More.

I confeſs I do not underſtand this philoſophy, ſo different from what my books and eſpecially my Bible teaches. But as your enlarged experience may have furniſhed you with other arguments than I am aware of, for this new doctrine of *accommodation*, I am ready to hear the utmoſt of what you have to ſay in defence of it.

Mr. Waller.

I ſhould not perhaps have ventured on ſuch an enterprize in all companies. But in this privacy, and to a perſon of your candour, I can open myſelf, on any the moſt obnoxious argument without reſerve. And yet let me obſerve one particular, which a little diſcountenances this addreſs even to you. It is, not the ridicule only which you attempt to throw on my argument, but the invidious turn you have more than once given to it, by objecting the authority of ſcripture, as well as your Heathen ſyſtems: whereas the ſame anſwer, as I take it, will ſerve for both; that *general precepts are not to be interpreted too ſtrictly*. Allow me but this liberty ſo conſtantly taken in the reaſonable expoſition of any author, and I ſhould not doubt to maintain my opinion with as little diſhonour to the ſacred, as profane volumes.

Dr.

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Dr. More.

I ſubmit in all things to your own terms. Only, as the evening wears apace, I a little apprehend you will not have time for the full diſplay of this new ſyſtem. However, to favour you all I can, I am content to become a patient hearer in my turn, and ſhall interpoſe as little as the tenor of your diſcourſe will give leave.

Mr. Waller.

We have day enough before us for the buſineſs in hand. This wood-land walk indeed, has not the charms which your fancy hath beſtowed on a certain *philoſophical garden**. But the heavens are as clear, and the air, that blows upon us, as freſh as in that fine evening which drew your friends abroad and engaged them in a longer debate than that with which I now mean to detain you. For, in truth, you will have little reaſon to apprehend prolixity, and no great temptation, I believe, to interrupt me, when you underſtand the manner in which I mean to explain myſelf. I have no ſkill at defining: I know little of ſcholaſtic niceties and ſubtil diſtinctions: I pretend not to the knack of ſplitting a plain matter into I know not how many fine and minute parts, nor of flouriſhing on each with much learned proof and curious argument. All this can only be expected from you profeſſors of ſcience, who have the leiſure to acquire ſuch arts in the ſhade of your ſchools, and the walks of your Academies. I, who was early called out into the heat and buſtle of life, am a plain man and can only repreſent

* This, I ſuppoſe, glances at the ſcene of the Divine Dialogues, printed in 1668. It is a *bower in a garden*, ſome particulars of which are deſcribed. From the turn of Mr. *Waller's* alluſion to this ſcenery, one is not ſure if he did not deſign it as a ridicule on the vulgar manner of introducing a philoſophical dialogue.

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in a naked way, without oſtentation or artifice, ſuch reflections as the current of affairs, in which I have been engaged, occaſionally ſuggeſted to me. A lecture from me then will afford little room for wrangling and debate. It will conſiſt merely in a review of my paſt life, and the ſimple repreſentation of my own experience. All my arguments are plain facts, about which there can be no diſpute: and I ſhall leave it with yourſelf to determine how far they will juſtify the concluſion I propoſe to draw from them.

Dr. MORE.

How far you may be practiſed in the rules of *logic*, I cannot ſay: but this exordium, I ſuppoſe, may paſs for a ſpecimen of what you are able to do in the arts of *rhetoric*.

Mr. WALLER.

This conſtruction is unfair; I meant not to play the orator with you, but merely to prepare you for the following plain recital, which might otherwiſe diſappoint your expectations. However let thus much ſtand for the *exordium*, as you ſay, if what I am now to deliver may rather deſerve to paſs for an oration than a moral lecture.

The point I would take upon myſelf to maintain againſt you philoſophers is briefly, this; "that *ſincerity* or a ſcrupulous regard to *truth* in all our converſation and behaviour, how ſpecious ſoever it may be in theory, is a thing impoſſible in practice; that there is no living in the world on ſuch terms as you propoſe; and that a man of buſineſs muſt either quit the ſcene, or learn to temper the ſtrictneſs of your diſcipline with ſome reaſonable accommodations. It is exactly the dilemma of the poet,

Vivere ſi recte neſcis, diſcede peritis;"

of all which I preſume to offer my own experience, as the ſhorteſt and moſt convincing demonſtration.

Dr.

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Dr. More.

The ſubject, I confeſs, is fairly delivered, and nothing can be juſter than this appeal to experience, provided you do not attempt to delude yourſelf or me by throwing falſe colours upon it.

Mr. Waller.

It will be your buſineſs to remonſtrate againſt theſe arts, if you diſcover any ſuch. My intention is to proceed in the way of a direct and ſimple recital.

"I was born, as you know, of a good family, and to the expectation and inheritance of an ample fortune. To this I ſucceeded but too ſoon by the untimely loſs of an excellent father. His death however did not deprive me of thoſe advantages which are thought to ariſe from a ſtrict and virtuous education. This care devolved on my mother, a woman of great prudence, who provided for my inſtruction in letters and every other accompliſhment. I was, of myſelf, inclined to books, and was ſuppoſed to have ſome parts which deſerved cultivation. I was accordingly trained in the ſtudy of thoſe writings which are the admiration of men of elegant minds and refined morals. I was a tolerable maſter of the languages in which they are compoſed; and, I may venture to ſay, was at leaſt inſtructed in their notions and principles, if I was not able at that time to catch the ſpirit of their compoſition: All which was confirmed in me, by the conſtant attendance and admonitions of the beſt tutors, and the ſtrict diſcipline of your colleges. I mention theſe things the rather to ſhew you, that I was not turned looſe into the world, as your complaint of men of buſineſs generally is, unprincipled and uninſtructed; and that what auſtere men might afterwards take for ſome degree of libertiniſm in my conduct, is not to be charged on the want of a virtuous or even learned education."

Dr.

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Dr. More.

I understand you mean to take no advantage of that plea, if what follows be not answerable to so high expectations.

Mr. Waller.

The time was now come when my rank and fortune, together with the sollicitations of my friends, drew me forth, though reluctantly, from the college into the world. I was then indeed under twenty: but so practised in the best things, and so impressed with the admirable lessons that had been taught me, that I carried with me into the last parliament of king *James*, not the showy accomplishments of learning only, but the high enthusiasm of a warm and active virtue. Yet the vanity, it may be, of a young man, distinguished by some advantages, and conscious enough of them, might be the leading principle with me for a time. In this dispositon, it may be supposed, I could not be long without desiring an introduction to the court. It was not a school of that virtue I had been used to, yet had some persons in it of eminent worth and honour. A vein of poetry, which seemed to flow naturally from me, was that by which I was most ambitious to recommend myself. And occasions quickly offered, that gave a fair and free scope to indulge it. But this was a play of ingenuity in which my heart and affections had no share. I made complimentary verses on the great lords and ladies of the court, with as much simplicity and as little meaning as my bows in the drawing room, and thought it a fine thing to be taken notice of as a wit in the fashionable circles. In the mean time, the corruptions of a loose disorderly court gave me great scandal. And the abject flatteries, I observed in some of the highest stations and gravest characters, filled me with indignation. As an instance of this, I can never forget the resentment that fired my young breast at the conversation you have often heard me say I was present at, betwixt

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betwixt the old king, and two of his court prelates *. And if the prudent and witty turn the venerable Bishop of *Winchester* gave to the discourse had not attoned, in some measure, for the rank offensive servility of the *other*, it had been enough to determine me forthwith to an implacable hatred of kings and courts for ever.

Dr. More.

It must be owned the provocation was very gross, and the offence taken at it no more than a symptom of a generous and manly virtue.

Mr. Waller.

It left a deep impression on my mind, yet it did not hinder me from appearing at court in the first years of the following reign, when the vanity of a thoughtless muse, rather than any relaxation of my antient manners, drew from me again some occasional panegyrics on greatness, which being presented in verse, I thought would hardly be suspected of flattery.

Dr. More.

This indulgence of a *thoughtless muse* (as you call it) was not without its danger. I am afraid this must pass for the first instance of your sacrificing to Insincerity.

Mr. Waller.

Your fears are too hasty. This was still a trial of my wit: and after a few wanton circles, as it were to breath and exercise my muse, I drew her in from these amusements to a stricter manage and more severe discipline. The long interval of parliaments now followed; and in this suspension of business I applied myself to every virtuous pursuit that could be likely to improve my mind, or purify my morals. Believe

* Dr. Andrews, Bishop of *Winchester*, and Dr. Neale, Bishop of *Durham*. The story is well known.

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me, I cannot to this day without rapture reflect on the golden hours, that paſſed in that accompliſhed ſociety, which the names of FALKLAND, HYDE, and CHILLINGWORTH, conſecrated as the very ſanctuary of ſcience and honour. And for my more retired amuſements at *Beconsfield*, you will judge of the good account I might render of theſe, when I add, they were conſtantly ſhared with that great prelate who now with ſo much dignity preſides in the throne of *Wincheſter* *.

Dr. MORE.

This enthuſiaſm of your's is catching, and raiſes in me an incredible impatience to come at the triumphs of a virtue, trained and perfected in her beſt ſchool, the converſation of heroes and ſages.

Mr. WALLER.

You ſhall hear. The jealouſies that had alarmed the nation for twelve years were now to have a vent given them by the call of the parliament in *April* 1640. As the occaſion on which it met was moſt intereſting, the aſſembly itſelf was the moſt auguſt that perhaps ever deliberated on public councils. There was a glow of honour, of liberty, and of virtue in all hearts, in all faces: And yet this fire was tempered with ſo compoſed a wiſdom, and ſo ſedate a courage, that it ſeemed a ſynod of heroes; and, as ſome would then ſay of us, could only be matched by a ſenate of old *Rome* in its age of higheſt glory. To this parliament I had the honour to be deputed; whither I went with high erected thoughts, and a heart panting for fame and the true ſervice of my country. The diſſolution, which ſo unhappily followed, ſerved only to increaſe this ardour. So that on our next meeting

* Dr. GEORGE MORLEY. The writer of Mr. *Waller's life*, who ſeems to have had his accounts from good hands, I perceive, has taken notice of theſe particulars which do ſo much honour to his character.

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in *November*, I went freely and warmly into the measures of thoſe who were ſuppoſed to mean the beſt. I voted, I ſpoke, I impeached*. In a word, I gave a free ſcope to thoſe generous thoughts and purpoſes which had been collecting for ſo many years, and was in the foremoſt rank of thoſe whoſe pulſe beat higheſt for liberty, and who were moſt active for the intereſt of the public.

Dr. MORE.

This was indeed a triumph, the very memory of which warms you to this moment. So bright a flame was not eaſily to be extinguiſhed.

Mr. WALLER.

It continued for ſome time in all its vigour. High as my notions were of public liberty, they did not tranſport me with that zeal which prevailed on ſo many others, to act againſt the juſt prerogative of the crown, and the antient conſtitution. I owe it to the converſation and influence of the excellent ſociety, before mentioned, that neither the ſpirit, the ſenſe, nor, what is more, the relationſhip and intimate acquaintance of Mr. *Hampden* †, could ever biaſs me to his deeper deſigns, or any irreverence of the unhappy king's perſon. Many things concurred to preſerve me in this due mean. The violent tendencies of many councils on the parliament's ſide; many gracious and important compliances on the king's; the great examples of ſome who had moſt authority with good men; and laſtly, my own temper, which, in its higheſt fervours, always inclined to moderation; theſe and other circumſtances kept me from the exceſſes on

* This alludes to the impeachment of Mr. *Juſtice* CRAWLEY, *July* 6, 1641, for his extrajudicial opinion in the affair of *Ship-money*. Mr. *Waller's* ſpeech on this occaſion is extant amongſt his works.

† The famous Mr. *Hampden* was his uncle.

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either hand which ſo few were able to avoid in that ſcene of public confuſion.

Dr. More.

This moderation carries with it all the marks of a real and confirmed virtue.

Mr. Waller.

I rather expected you would have conſidered it as another *ſacrifice to Inſincerity*. Such I remember was the language of many at that time. The enthuſiaſts on both ſides agreed to ſtigmatize this temper with the name of *Neutrality*. Yet this treatment did not prevent me, when the war broke out, from taking a courſe which I eaſily foreſaw would tend to increaſe ſuch ſuſpicions: for now, to open a freſh ſcene to you, I had aſſumed, if not new principles, yet new notions of the manner in which good policy required me to exert my old ones. The general virtue, or what had the appearance of it at leaſt, had hitherto made plain dealing an eaſy and convenient conduct. But things were now changed. The minds of all men were on fire: deep deſigns were laid, and no practice ſtuck at that might be proper to advance the execution. In this ſituation of affairs what could ſimple honeſty do but defeat the purpoſe and endanger the ſafety of its maſter? I now firſt began to reflect that this was a virtue for other times: at leaſt, that not to qualify it, in ſome ſort, was at ſuch a juncture, not honeſty, but imprudence: and when I had once fallen into this train of thinking, it is wonderful how many things occurred to me to juſtify and recommend it. The humour of acting always on one principle was, I ſaid to myſelf, like that of ſailing with one wind: whereas the expert mariner wins his way by plying in all directions, as occaſions ſerve, and making the beſt of all weathers. Then I conſidered with myſelf the bad policy, in ſuch a conjuncture, of *Cato* and *Brutus*, and

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and eaſily approved in my own mind the more pliant and conciliating method of *Cicero*. Thoſe ſtoics, thought I, ruined themſelves and their cauſe by a too obſtinate adherence to their ſyſtem. The liberal and more enlarged conduct of the academic, who took advantage of all winds that blew in that time of civil diſſenſion, had a chance, at leaſt, for doing his country better ſervice. Obſervation, as well as books, furniſhed me with theſe reflexions. I perceived with what difficulty the Lord FALKLAND's rigid principles, had ſuffered him to accept an office of the greateſt conſequence to the public ſafety *: and I underſtood to what an extreme his exceſſive ſcruples had carried him in the diſcharge of it †. This, concluded I, can never be the office of virtue in ſuch a world, and in ſuch a period. And then that of the poet ſo ſkilled in the knowledge of life, occurred to me.

* That of *Secretary of State*. The Lord *Clarendon* tells us it was with the utmoſt difficulty he perſuaded him to accept it. "There were two conſiderations, (ſays the hiſtorian) that made moſt impreſſion on him; the *one*, leſt the world ſhould believe that his own ambition had procured this promotion, and that he had therefore appeared ſignally in the houſe to oppoſe thoſe proceedings, that he might thereby render himſelf gracious to the court: The *other*, leſt the King ſhould expect ſuch a ſubmiſſion and reſignation of himſelf and his own reaſon and judgment to his commands, as he ſhould never give or pretend to give; for he was ſo ſevere an adorer of truth, that he would as eaſily have given himſelf leave to ſteal as to diſſemble," &c. B. iv.

† The noble hiſtorian, before cited, very luckily alſo explains this particular, by giving us two inſtances of Lord *Falkland's* ſcrupuloſity. The *one* was, "That he could never bring himſelf to employ ſpies, or give any countenance or entertainment to them:" The other, "That he could never allow himſelf the liberty of opening letters, upon a ſuſpicion that they might contain matter of dangerous conſequence." B. viii.

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——— aut virtus nomen inane eſt,
Aut decus & pretium recte petit EXPERIENS vir;

that is, as I explained it, "The man of a ready and dextrous turn in affairs; one who knows how to take advantage of all circumſtances, and is not reſtrained by his bigottry from varying his conduct, as occaſions ſerve, and making, as it were, *experiments* in buſineſs."

Dr. MORE.

You poets, I ſuppoſe, have an excluſive right to explain one another; or theſe words might ſeem to bear a more natural interpretation.

Mr. WALLER.

You will underſtand from this account, which I have opened ſo particularly to you, on what reaſons I was induced to alter my plan, or rather to purſue it with thoſe arts of prudence and addreſs, which the turn of the times had now rendered neceſſary. The concluſion was, I reſolved to purſue ſteadily the king's, which at the ſame time was manifeſtly the nation's intereſt, and yet to keep fair with the parliament, and the managers on that ſide; for this appeared the likelieſt way of doing him real ſervice. And yet ſome officious ſcruples which forced themſelves upon me at firſt, had like to have fixed me in other meaſures. In the ſtream of thoſe who choſe to deſert the houſes rather than ſhare in the violent councils that prevailed in them, the general diſguſt had, alſo, carried me to withdraw myſelf. But this was a ſtart of zeal which was ſoon over. I preſently ſaw, and found means to ſatisfy the king, that it would be more for his ſervice that I ſhould return to the parliament. I therefore reſumed my ſeat and took leave, (to ſay the truth, it was not denied me by the houſe, who had their own ends

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ends to ſerve by this indulgence *) to reaſon and debate in all points with great freedom. At the ſame time my affections to the common intereſt were not ſuſpected; for having no connection † with the court, no body thought of charging me with private views; and not forgetting, beſides, to cultivate a good underſtanding with the perſons of chief credit in the houſe, the plainneſs I uſed, could only be taken for what it was, an honeſt and parliamentary liberty. This ſituation was for a time very favourable to me, for the king's friends regarded me as the champion of their cauſe; whilſt the prudence of my carriage towards the leading members ſecured me, in a good degree, from their jealouſy.

Dr. MORE.

Your policy, I obſerve, had now taken a more refined turn. The juncture of affairs might poſſibly juſtify this addreſs: but the ground you ſtood upon was ſlippery; and I own myſelf alarmed at what may be the conſequence of this ſollicitous purſuit of popularity.

* To the ſame purpoſe my lord *Clarendon*. "He [Mr. W.] ſpoke, upon all occaſions, with great ſharpneſs and freedom; which (now there were ſo few that uſed it, and there was no danger of being over-voted) was not reſtrained; and therefore uſed as an argument againſt thoſe, who were gone upon pretence, that they were not ſuffered to declare their opinion freely in the houſe; which could not be believed, when all men knew what liberty Mr. *Waller* took, and ſpoke every day with impunity, againſt the ſenſe and proceedings of the houſe." B. vii.

† This ſeems contradicted by lord *Clarendon*, who ſays of him, that at this time he had "intimacy and friendſhip with ſome perſons of nearneſs about the king." *ib.* But perhaps by *no connection* he may only mean, that he was not engaged in the ſervice of the court by any place of honour and preferment.

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Mr. WALLER.

No exception, I think, can be fairly taken at the methods by which I perſued it. However, this *popularity* it was, as you rightly divine, which drew upon me all the miſchiefs that followed. For the application of all men diſpoſed to the king's ſervice, was now made to me. I had an opportunity by this means of knowing the characters and views of particular perſons, and of getting an inſight into the true ſtate of the king's affairs. And theſe advantages, in the end, drove me on the project, which, on the diſcovery, came to be called my *Plot*: an event, which, with all its particulars, you underſtand too well to need any information from me about it.

Dr. MORE.

The ſtory, as it was noiſed abroad, I am no ſtranger to: but this being one of thoſe occaſions, as they ſay, in which both your policy and virtue were put to the ſharpeſt trial, it would be much to the purpoſe you have in view by this recital to favour me with your own account of it.

Mr. WALLER.

To lead you through all particulars would not ſuit with the brevity you require of me. But ſomething I will ſay to obviate the miſconceptions you may poſſibly have entertained of this buſineſs *. For the plot itſelf, the utmoſt of my deſign was only to form ſuch a combination amongſt the honeſt and well affected

* The reader I doubt not, will be curious, as I was, to ſee Mr. *Waller's* own account of this famous plot. On comparing it with the lord *Clarendon's* relation, I find it agree ſo exactly in all points of moment, (though Mr. *Waller* ſoftens and palliates the moſt obnoxious of them) that this coincidence muſt needs be thought a great confirmation of the credit of that noble hiſtorian.

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of all ſorts, as might have weight enough to incline the houſes to a peace, and prevent the miſeries that were too certainly to be apprehended from a civil war. It was never in my thoughts to ſurprize the parliament or city by force, or engage the army in the ſupport and execution of my purpoſe. But my deſign in this affair, though the fury of my enemies and the fatal jealouſy of the time would not ſuffer it to be rightly underſtood, is not that which my friends reſented, and which moſt men were diſpoſed to blame in me. It was my behaviour afterwards, and the obliquity of ſome means, which I found expedient to my own ſafety, that expoſed me to ſo rude a ſtorm of cenſure. It continues, I know, to beat upon me even at this diſtance. But the injuſtice hath ariſen from the force of vulgar prejudices, and the want of entering into thoſe enlarged principles, on which it was neceſſary for me to proceed in that juncture.

Dr. MORE.

Yet the ill ſucceſs of this plot itſelf might have ſhewn you, what the deſign of acting on theſe *enlarged principles* was likely to come to. It was an unlucky experiment this, you had made in the *new* arts of living, and ſhould have been a warning to you, not to proceed in a path which at the very entrance of it, had involved you in ſuch difficulties.

Mr. WALLER.

No, it was not the new path, you object to me, but the good old road of Sincerity which miſled me into thoſe brambles. I, in the ſimplicity of my heart, thought it my duty to adhere to the injured king's cauſe, and believed my continuance in parliament the faireſt, as well as the likelieſt method, that could be taken to ſupport it. Had I temporized ſo far as either to deſert my prince, and ſtrike in with the parliament, or on the other hand had left the houſe and

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gone with the ſeceders to *Oxford*, either way I had been ſecure. But reſolving, as I did, to hold my principles, and follow my judgment, I fell into thoſe unhappy circumſtances from which all the dexterity, I afterwards aſſumed, was little enough to deliver me.

Dr. MORE.

But if your intentions were ſo pure, and the methods by which you reſolved to proſecute them, ſo unexceptionable, how happened it that any plot could be worked up of ſo much danger to your life and perſon?

Mr. WALLER.

This was the very thing I was going to explain to you. My intentions towards the parliament were fair and honourable: as I retained my ſeat there, I could not allow myſelf in the uſe of any but parliamentary methods to promote the cauſe I had undertaken. And this, as I ſaid, was the whole purpoſe of the *combination* which was made the pretence to ruin me: for my unhappy project of a reconciliation, was ſo inextricably confounded with another of more dangerous tendency, the *commiſſion of array*, ſent at that time from *Oxford*, that nothing, I preſently ſaw, could poſſibly diſentangle ſo perplexed a buſineſs, or defeat the malice of my enemies, if I attempted, in the ordinary and more direct way, to ſtand on my defence. Preſumptions, if not proofs, they had in abundance: the conſternation of all men was great; their rage unrelenting; and the general enthuſiaſm of the time outrageous. Conſider all this, and ſee what chance there was for eſcaping their injuſtice, if I had reſtrained myſelf to the ſole uſe of thoſe means, which you men of the cloyſter magnify ſo much, under I know not what names of *Sincerity* and *Honour*. And indeed this late experience, of what was to be expected from the way of plain-dealing, had determined me, henceforth, to take a different route, and, ſince I had drawn theſe miſchiefs

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miſchiefs on myſelf by *Sincerity*, to try what a little management could do towards bringing me out of them.

Dr. More.

It was not, I perceive, without cauſe, that the ſubtlety you had begun to have recourſe to, filled me with apprehenſions. Sincerity and Honour are plain things, and hold no acquaintance with this ingenious caſuiſtry.

Mr. Waller.

What, not in ſuch a ſituation? It ſhould ſeem as if you moraliſts conceived a man owed nothing to himſelf: that *ſelf-preſervation* was not what God and Nature have made it, the firſt and moſt binding of all laws: that a man's family, not to ſay his country, have no intereſt in the life of an innocent and deſerving citizen: and, to ſay all in one word, that *prudence*, though you give the name a place among your *cardinal virtues*, is in fact, and in matters of the higheſt importance, no virtue at all. All this muſt be concluded before you reject as unlawful, the means I was forced upon, at this ſeaſon, for my defence: means, I preſume to ſay, ſo happily imagined, and as my very enemies will own, executed with ſo much addreſs, that I cannot to this day reflect on my conduct in that affair without complacency.

Dr. More.

Yet it had ſome conſequences which a man of your generoſity would a little ſtartle at. —

Mr. Waller.

I underſtand you: my friends—But I ſhall anſwer that objection in its place.

Let me at preſent go on with the particulars of my defence. The occaſion, as you ſee, was diſtreſsful to the laſt degree. To deny or defend myſelf from the charge was a thing impoſſible. What remained then but to confeſs

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confeſs it, and in ſo frank and ample a manner as might beſpeak the pity or engage the protection of my accuſers. I reſolved to ſay nothing but the *truth*; and if ever the *whole* truth may be ſpoken, it is when ſo alarming an occaſion calls for it. Beſides, what had others, who might be affected by the diſcovery, to complain of? I diſclaimed no part of the guilt myſelf: nor could any confeſſion be made, that did not firſt and chiefly affect me. And if I, who was principal in the contrivance, had the beſt chance for eſcaping by ſuch confeſſion, what had they, who were only accomplices, to apprehend from it? Add to this, that the number and the credit of the perſons, who were charged with having a ſhare in the deſign, were of all others the likelieſt conſiderations to prevail with the houſes to drop the further proſecution of it.

Well, the diſcovery had great effects. But there was no ſtopping here. Penitence, as well as confeſſion, is expected from a ſinner. I had to do with hypocrites of the worſt ſort. What fairer weapons then, than hypocriſy and diſſimulation? I counterfeited the ſtrongeſt remorſe, and with a life and ſpirit that diſpoſed all men to believe, and moſt, to pity me. My trial was put off in very compaſſion to my diſorder, which in appearance, was ſo great, that ſome ſuſpected my underſtanding had been affected by it. In this contrivance I had two views; to gain time for my defence, and to keep it off till the rage and fury of my proſecutors was abated. In this interval indeed ſome of my accomplices ſuffered. But how was it poſſible for me to apprehend that, when, if any, I myſelf might expect to have fallen the firſt victim of their reſentment?

Dr. More.

If this apology ſatisfy yourſelf, I need not interrupt your ſtory with any exceptions.

Mr.

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Mr. WALLER.

It was, in truth, the only thing which afflicted me in the courſe of this whole buſineſs. But time and reflection have reconciled me to what was, in ſome ſenſe, occaſioned, but certainly not intended by me. And it would be a ſtrange morality that ſhould charge a man with the undeſigned conſequences of his own actions.

Dr. MORE.

And were all the ſymptoms of a diſturbed mind, you made a ſhew of, then entirely counterfeit?

Mr. WALLER.

As certainly as thoſe of the Roman *Brutus*, who, to tell you the truth, was my example on that occaſion. It was the buſineſs of both of us to elude the malice of our enemies, and reſerve ourſelves for the future ſervice of our reſpective countries.

But all I have told you was only a prelude to a farther, and ſtill more neceſſary act of diſſimulation. Had the houſe been left to itſelf, it might poſſibly have abſolved me on the merits of ſo large a confeſſion, and ſo lively a repentance. But I had to do with another claſs of men, with holy inquiſitors of ſordid minds, and ſour ſpirits, prieſtly reformers, whoſe ſenſe was noiſe, and religion fanaticiſm, and that too fermented with the leaven of earthly avarice and ambition. Theſe had great influence both within doors and without, and would regard what had hitherto paſſed as nothing, if I went not much farther. To theſe, having begun in ſo good a train, I was now to addreſs myſelf. I had ſtudied their humours, and underſtood to a tittle the arts that were moſt proper to gain them. The firſt ſtep to the countenance and good liking of theſe reſtorers of primitive parity was, I well knew, the moſt implicit ſubjection both of will and underſtanding. I magnified their gifts, I revered their ſanctity. I debaſed

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baſed myſelf with all imaginable humility: I extolled them with the groſſeſt flattery. Having thus ſucceeded to my wiſh in drawing the principal of theſe ſaints around me, I advanced farther: I ſought their inſtruction, ſollicited their advice, and importuned their ghoſtly conſolation. This brought me into high favour: they regarded me as one who wiſhed and deſerved to be enlightened: they ſtrove which ſhould impart moſt of their lights and revelations to me. I beſought them to expound, and pray, and preach before me; nay I even preached, and prayed, and expounded before them. I out-canted the beſt-gifted of them; and out-railed the bittereſt of all their decriers of an anti-chriſtian prelacy. In ſhort, it would have moved your laughter or your ſpleen to obſerve, how ſubmiſſively I demeaned myſelf to theſe ſpiritual fathers; how I hung on their words, echoed their coarſe ſayings, and mimicked their beggarly tones and grimaces. To complete the farce, I intreated their acceptance of ſuch returns for their godly inſtructions, as fortune had enabled me to make them. I prevailed with them to give leave that ſo unworthy a perſon might be the inſtrument of conveying earthly accommodations to theſe diſpenſers of heavenly treaſures; and it ſurpaſſes all belief with what an avidity they devoured them! It is true this laſt was a ſerious conſideration, in all other reſpects the whole was a perfect comedy, and of ſo ridiculous a caſt, that, tho' my ſituation gave me power of face to carry it off gravely then, I have never reflected on it ſince without laughter.

Dr. More.

Truly, as you deſcribe it, it was no ſerious ſcene. But what I admire moſt is the dexterity of your genius, and the prodigious progreſs you had now made in your favourite arts of *accommodation*.

Mr.

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Mr. WALLER.

Neceſſity is the beſt maſter. Beſides, can you blame me for taking more than common pains to outdo theſe miſcreants in their own way, I might ſay, to excel in an art which ſurpaſſes, or at leaſt comprizes in it, the eſſence of all true wiſdom? The precept of your admired *Antoninus*, as you reminded me to day, is, SIMPLIFY YOURSELF*. That, I think, was the quaint expreſſion. It had ſhewn his reach and maſtery in the trade he profeſſed much more, if inſtead of it he had preached up, ACCOMMODATE YOURSELF, the grand ſecret, as long experience has taught me, *bene beateque vivendi*.

All matters thus prepared, there was now no hazard in playing my laſt game. I requeſted and obtained leave to make my defence before the parliament. I had acquired a knack in ſpeaking, and had drawn on myſelf more credit, than fine words deſerve, by a ſcenical and ſpecious eloquence. If ever I acquitted myſelf to my wiſh, it was on this occaſion. I ſoothed, I flattered, I alarmed: every topic of art, which my youth had learned, every ſubject of addreſs which experience had ſuggeſted, every trick and artifice of popular adulation was exhauſted. All men were prepared by the practices of my ſaintly emiſaries to hear me with favour; and, which is the firſt and laſt advantage of a ſpeaker, to believe me ſeriouſly and conſcientiouſly affected.

In the end I triumphed, and for a moderate fine obtained leave to ſhelter myſelf from the ſtorm which followed, and which almoſt deſolated this unhappy country, by retiring into an exile at that time more deſirable than any employment of thoſe I left behind me.

* Ἁπλωσον σεαυτόν, *Liv.* 526. which Dr. More, in the chapter of his *Enchiridion* referred to above, tranſlates, *ſimplifica teipſum*.

Dr.

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Dr. More.

You retired, I think, to France, whither, no doubt, you carried with you all thoſe generous thoughts and conſolatory reflections, which refreſh the ſpirit of a good man under a conſciouſneſs of ſuffering virtue.

Mr. Waller.

Why not, if *prudence* be a virtue? for what but certain prudential regards (which in common language and common ſenſe are quite another thing from vicious compliances) have hitherto, as you have ſeen, appeared in my conduct? But be they what they will, they had a very natural effect, and one which will always attend on ſo reaſonable a way of proceeding. For, ſince you preſs me ſo much, I ſhall take leave to ſuggeſt an obſervation to you, more obvious as well as more candid than any you ſeem inclined to make on the circumſtances of this long relation. It is "that the *pretended* penitence for my paſt life, and the readineſs I ſhewed to acquieſce in the *falſe* accounts which the parliament gave of my plot, ſaved my life, and procured my liberty; whilſt the *real and true* diſcoveries I made, to gain credit to *both*, hurt my reputation." But ſuch a reflection might have ſhocked your ſyſtem too much. For it ſhews that all the benefit I drew to myſelf in this affair aroſe from thoſe *prudential maxims* you condemn, and that all the injury I ſuffered was owing to the *ſincerity* I ſtill mixed with them.

Dr. More.

Seriouſly. Sir,——————

Mr. Waller.

I can gueſs what you would ſay: but you promiſed to hear me out, without interruption.

What remains I ſhall diſpatch in few words, having ſo fully vindicated the moſt obnoxious part of my life and

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and opened the general principles I acted upon so clearly.

I went, as you said, to *France*; where, instead of the churlish humour of a male-content, or the unmanly dejection of a disgraced exile, I appeared with an ease and gayety of mind, which made me welcome to the greatest men of that country. The ruling principle of my philosophy was to make the best of every situation. And as my fortune enabled me to do it, I lived with hospitality, and even splendor; and indulged myself in all the delights of an enlarged and elegant conversation. Such were my amusements for some years; during which time, however, I preserved the notions of loyalty, which had occasioned my disgrace, and waited some happier turn of affairs that might restore me with honour to my country. But when all hopes of this sort were at an end, and the government, after the various revolutions which are well known, seemed fixed and established in the person of one man, it was not allegiance but obstinacy to hold out any longer. I easily succeeded in my application to be recalled, and was even admitted to a share in the confidence of the PROTECTOR. This great man was not without a sensibility of true glory, and for that reason was even ambitious of the honour which wit and genius are ever ready to confer on illustrious greatness. Every muse of that time distinguished, and was distinguished by, him. Mine had even improved her voice and accent in a foreign country: and what nobler occasion to try her happiest strain than this of immortalizing a Hero?

"Illustrious acts high raptures do infuse,
"And ev'ry conqueror creates a muse;"

as I then said in a panegyric, which my gratitude prompted me to present to him *.

* In the year 1654.

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Dr. MORE.

This panegyric preſented in verſe could hardly, I ſuppoſe, be ſuſpected of flattery.

Mr. WALLER.

I expected this; but the occaſion, as I ſaid, might have ſuggeſted a fairer interpretation. And why impute as a fault to me, what the reverend SPRAT, and DRYDEN himſelf, did not diſdain to conſecrate by their examples? Beſides, as an argument of the unſullied purity of my intention, you might remember, methinks, that I aſked no recompence, and accepted none for the willing honours my muſe paid him.

Dr. MORE.

It muſt be a ſordid muſe indeed, that ſubmits to a venal proſtitution. And, to do your profeſſion juſtice, it is not ſo much avarice, or even ambition, as a certain gentler paſſion, the vanity, ſhall I call it, of being well with the *great*, that is ſo fatal to you poets.

Mr. WALLER.

I can allow for the ſatyr of this reproof, in a man of antient and bookiſh manners. But, to ſhew my diſintereſtedneſs ſtill more, you may recollect, if you pleaſe, that I embalmed his memory, when neither his favour nor his ſmile were to be apprehended.

Dr. MORE.

In the ſhort reign of his ſon.—But what then, you made amends for all, by the congratulation on the happy return of his majeſty. You know who it was that ſome body complimented in theſe lines *:

"He beſt can turn, enforce and ſoften things,
"To praiſe great conquerors and flatter kings".

Mr.

* I have not been able to find out from whom thoſe verſes are

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Mr. WALLER.

Was it for me to ſtem the torrent of a nation's joys by a froward and unſeaſonable ſilence? Did not *Horace* who fought at *Philippi*, do as much for *Auguſtus?* And ſhould I, who had ſuffered for his cauſe, not embrace the goodneſs, and ſalute the returning fortunes of ſo gracious, ſo accompliſhed a maſter? His majeſty himſelf, as I truly ſay of him, in the poem you object to me,

——————— "with wiſdom fraught
"Not ſuch as books, but ſuch as practice taught,"

did me the juſtice to underſtand my addreſs after another manner. He, who had ſo often been forced by the neceſſities of his affairs to make compliances with the time, never reſented it from me, a private man and a poet, that I had made ſome ſacrifices of a like nature. All this might convince you of the great truth I meant to inculcate by this long recital, that not a ſullen and inflexible *Sincerity*, but a fair and ſeaſonable *accommodation of one's ſelf*, to the various exigencies of the times, is the golden virtue that ought to predominate in a man of life and buſineſs. All the reſt, believe me, is the very cant of philoſophy and unexperienced wiſdom.

Dr. MORE.

Wiſdom—and muſt the ſanctity of that name—

Mr. WALLER.

Hear me, ſir—No exclamations againſt the evidence of plain fact. I have a right to expect another conduct from him who is grown grey in the ſtudies of moral ſcience.

are taken, though from the familiar manner in which they are quoted, it ſhould ſeem that the author was well known at that time.

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Dr. MORE.

You learned another leſſon in the ſchool of FALKLAND, HYDE, and CHILLINGWORTH.

Mr. WALLER.

Yes, one I was obliged to unlearn. But ſince you remind me of that ſchool, what was the effect of adhering pertinaciouſly to its falſe maxims? To what purpoſe were the lives of *two* of them prodigally thrown away; and the honour, the wiſdom, the talents of the *other*, left to languiſh in baniſhment and obſcurity?

Dr. MORE.

O! prophane not the glories of immortal, though ſucceſsleſs virtue, with ſuch reproaches.—Thoſe adored names ſhall preach honour to future ages, and enthrone the majeſty of virtue in the hearts of men, when wit and parts, and eloquence, and poetry, have not a leaf of all their withered bays to recommend them *.

Raptures

* I was, I confeſs, a little ſcandalized with the acrimony, and even paſſion, which Dr. *More* expreſſes in the cloſe of this converſation. It neither agreed, I thought, with the calmneſs of the ſpeaker's character, nor the decorum of a philoſophical dialogue. On hinting theſe ſcruples to a learned friend, he obſerved to me, that the nature of this philoſopher was, in truth, very irritable; and to confirm it, referred me to the following unaccountable paſſage in the *Enchiridion*, from which the candid reader will collect with what juſtice the charge of enthuſiaſm hath ſo often been brought againſt him by Mr. *Waller*.

"Ea eſt virtutis ratio ut amet quæ optima ſunt & à peſſimis abhorreat. Eſtque perfectiſſimus vitæ ſtatus bonum amare, malum autem *horrore* aut *indignatione* excipere, ubicunque emicuerit. Hoc enim arguit inferiorem animæ partem in conſenſum rapi à ſuperiori, totumque hominem igneis quaſi affectuum quadrigis, *Eliæ* inſtar, uſque ad cœlum deumque vehi. Quod

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Mr. WALLER.

Raptures and Chimæras—Rather judge of the ſentiments of future ages from the preſent. Where is the man, I ſpeak it without boaſting, that enjoys a fairer fame; who is better received in all places; who is more liſtened to in all companies; who reaps the fruits of a reaſonable and practicable virtue in every return of honour, more unqueſtionably, than he whoſe life and principles your outrageous virtue leads you to undervalue ſo unworthily? And take it from me as an oracle, which long age and experience enable me to deliver with all aſſurance, "Whoever in ſucceeding times ſhall form himſelf on the plan here given, ſhall meet with the ſafety, credit, applauſe, and, if he chuſes, honour and fortune in the world, which may be promiſed indeed, but never will be obtained by any other method *."

Quod ſiquis, ſub prætextu neſcio cujus affectatæ animi tranquillitatis, prudentiæ, paciſve ſtudii tolerare poſſet, ſine omni animi commotione, quod turpiter commiſſum eſt contra communia humani generis jura & æternas virtutis leges, cùm tamen privatâ quâvis injuriâ, in ſeipſum immiſſâ, ſatis uri & commoveri ſoleat; inſigne certè hoc eſſet ſpecimen *Hypocriſeos*, quæ non tam ridenda eſſet, quam *ab omnibus mortalibus execranda*". [Eth. Ench. l. i. c. 6.]

* It is certain many wiſe men have acted on this plan; but none more ſucceſsfully than the famous *Marquis of* WINCHESTER, *Elizabeth's* lord treaſurer; "who having ſerved *four* princes, in various and changeable times, and being grown into high favour with the *laſt*, was queſtioned by an intimate friend of his, how he had ſtood up for thirty years together, amidſt the change and ruins of ſo many chancellors and great perſonages;" His reply was brief and oracular, and very conſonant with the wiſe apopthegm, here delivered by Mr. *Waller*: "ORTUS SUM E SALICE, NON E QUERCU." Which may deſerve hereafter to be taken for the motto of every great ſtateſman. See Sir ROBERT NAUNTON's *Fragmenta Regalia*, p. 77.

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Dr. More.

You have ſpoken. But hear me now, I conjure you, whilſt a poor deſpiſed philoſopher——

Mr. Waller.

O! I have marked the emotion this diſcourſe of mine hath awakened in you. I have ſeen your impatience: I have watched your eyes when they ſparkled defiance and contradiction to my argument. But your warmth makes you forget yourſelf. I gave a patient hearing to all your eloquence could ſuggeſt in this cauſe. I even favoured your zeal, and helped to blow up your enthuſiaſm. The reſt fell to my turn; and beſides, the evening, as you ſee, ſhuts in upon us. Let us eſcape, at leaſt, from theſe dews into a warm apartment within doors; and then I ſhall not be averſe, eſpecially when you have taken a few minutes to recollect yourſelf, to debate with you what further remains upon this argument.

DIA-

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DIALOGUE II.

ON

RETIREMENT:

BETWEEN

Mr. ABRAHAM COWLEY,

AND

The Rev. Mr. THOMAS SPRAT;

Related in a Letter to the Right Honourable the Earl of St. ALBANS.

" Le meilleur de tous les biens, s'il y a des biens, c'eſt le repos, la retraite, et un endroit qui ſoit ſon domaine."

M. DE LA BRUYERE.

" Loquor de docto homine et erudito, cui vivere eſt cogitare."

CICERO.

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MIHI quidem VITA AULICA uſquequaque cordi non eſt. Notæ mihi ejus ærumnæ. Falſo ſplendore multæ ejus miſeriæ obtenduntur. Fuci in eâ multum, candoris parum eſt. Nulla eſt aula quæ vacat invidiâ, in quâ non deſideretur amicitiæ fides, ubi voluntatum mutatio et ſubita ruina metuenda non ſit. AULA vera bona non novit niſi ſero. Umbris, famâ, ſpecie, fallaciis, errore populari ducitur. Ut eos fortunatos dicere non dubitem, quibus illa cito et cum parvo incommodo defungi datum ſit. Optabile eſt SIBI poſſe vivere et MUSIS; et cum paucis et non fallacibus amicis in AGELLI ANGULO conſeneſcere. AUT NULLA EST IN HOC TERRESTRI EXILIO, AUT EA DEMUM VERA VITA EST.

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To the Earl of St. ALBANS*.

MY LORD,

THE duty I owe your LORDSHIP, as well as my friendſhip for Mr. COWLEY, determined me to loſe no time in executing the commiſſion you was pleaſed to charge me with by Mr. D****. I went early the next morning to BARN-ELMS; intending to paſs the whole day with him, and to try if what I might be able to ſuggeſt on the occaſion, together with the weight of your lordſhip's advice, could not divert him from his ſtrange project of *Retirement*. Your Lordſhip, no doubt, as all his other friends, had obſerved his bias that way to be very ſtrong; but who that knew his great ſenſe, could have thought of its carrying him to ſo extravagant a reſolution? For my own part, I ſuſpected it ſo little, that, though he would often talk of retiring, and eſpecially ſince

* I find no mention of this letter, or of the commiſſion ſent by the Lord ST. ALBANS to Mr. SPRAT, to reclaim his friend from his paſſion for ſolitude, in the account of Mr. *Cowley's life*: unleſs it be glanced at in theſe words, "In his long dependance on my Lord *St. Albans*, there never happened any manner of difference between them; except a little at LAST, becauſe he would leave his ſervice." For himſelf, Dr. *Sprat*, owns, "If any thing ought to have been changed in Mr. *Cowley's* temper and diſpoſition, it was his earneſt affection for *Obſcurity and Retirement*."

your

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your lordſhip's late favour to him †, I conſidered it only as the uſual language of poets, which they take up one after another, and love to indulge in, as what they ſuppoſe becomes their family and profeſſion. It could never come into my thoughts, that one who knew the world ſo well as Mr. *Cowley*, and had lived ſo long in it, who had ſo fair hopes and ſo noble a patron, could ſeriouſly think of quitting the ſcene at his years, and all for ſo fantaſtic a purpoſe as that of growing old in the corner of a country village.

Theſe, my lord, were my ſentiments, when your friendly meſſage alarmed me with the apprehenſion of there being more in the matter than I had ſuſpected. Yet ſtill I conſidered it only as a haſty thought, which a fit of the ſpleen, or of the muſe, it may be, had raiſed; and which the free remonſtrance of a friend would eaſily diſperſe, or prevent at leaſt from coming to any fixed and ſettled reſolution. But how ſhall I expreſs to your lordſhip the ſurprize I was in to find that this reſolution was not only taken, but rooted ſo deeply in him, that no arguments, nor even your lordſhip's authority, could ſhake it? I have ever admired Mr. *Cowley*, as a man of the happieſt temper and trueſt judgment; but, to ſay the leaſt, there was ſomething ſo particular, I had almoſt ſaid perverſe, in what he had to alledge for himſelf on this occaſion, that I cannot think I acquit myſelf to your lordſhip, without laying before you the whole of this extraordinary converſation; and, as far as my recollection will ſerve, in the very words in which it paſſed betwixt us.

† He means the eſtate he obtained by means of the Lord *St. Albans*. This particular is often attended to in the courſe of the Dialogue.

I went

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I went *, as I told your lordſhip, pretty early to BARN-ELMS; but my friend had gotten the ſtart of me by ſome hours. He was buſying himſelf with ſome improvements of his garden, and the fields that lie about his houſe. Theſe together make up his *intended* purchaſe; for your lordſhip's information was premature; as yet, he has only articled for a *leaſe* of three years †. The whole circuit of his domain was not ſo large, but that I preſently came up with him. "My dear friend, ſaid he, embracing me, but with a look of ſome reſerve and diſguſt, and is it you then I have the happineſs to ſee at length in my new ſettlement? Tho' I fled hither from the reſt of the world, I had no deſign to get out of the reach of my friends. And to be plain with you, I took it a little amiſs from one whoſe entire affection I had reckoned upon, that he ſhould leave me to myſelf for this whole two months, without diſcovering an inclination, either from friendſhip or curioſity, to

* It ſeems pretty difficult to fix the time of this converſation with any certainty. The probability, in laying all circumcumſtances together, is, that it was in the ſpring, or rather early in the ſummer of the year 1661. It cannot be *earlier*, unleſs we ſuppoſe, what is very unlikely, and indeed contrary to Mr. *Cowley's* declaration in this dialogue, that he left the court immediately on the *Reſtoration*; nor *later*, if what his hiſtorian ſays be any thing near the truth; for he tells us, that he ſpent *his laſt ſeven or eight years in his beloved obſcurity*. [*Dr.* Sprat's *Life of Mr.* A. Cowley, *Fol.* Lond. 1668.] But he died in *July* 1667. — The *ſeaſon* of the year is eaſily collected from ſeveral hints which occur in the courſe of the converſation.

† This particular is not mentioned in his *Life* by Dr. *Sprat*, which, though it be finely written, is not ſo circumſtantial as were to be wiſhed in the detail of his hiſtory. It was, I ſuppoſe, at the expiration of this *term of three years*, that, not finding the place agree with his health, he removed to his farm at *Chertſey*, where he died in 1667.—The curious reader loves to ſee theſe nicer chronologies well adjuſted.

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know how this retirement agreed with me. What could induce my beſt friend to uſe me ſo unkindly?" Surely, ſaid I, you forget the ſuddeneſs of your flight, and the ſecreſy with which the reſolution was taken. We ſuppoſed you gone only for a few days, to ſee to the management of your affairs, and could not dream of your *ruſticating* thus long, at a time when the town and court are ſo buſy; when the occaſions of your friends and your own intereſts ſeemed to require your ſpeedy return to us. However, continued I, it doth not diſpleaſe me to find you ſo diſſatisfied with this ſolitude. It looks as if the ſhort experience you have had of this recluſe life, did not recommend it to you in the manner you expected. Retirement is a fine thing in imagination, and is apt to poſſeſs you poets with ſtrange viſions. But the charm is rarely laſting; and a ſhort trial, I find, hath ſerved to correct theſe fancies. You feel yourſelf born for ſociety and the world, and, by your kind complaints of your friend, confeſs how unnatural it is to deny yourſelf the proper delights of a man, the delights of converſation.

Not ſo faſt, interrupted he, if you pleaſe, in your concluſions about the nature of retirement. I never meant to give up my right in the affections of thoſe few I call my friends. But what has this to do with the general purpoſe of retreating from the anxieties of buſineſs, the intrigues of policy, or the impertinencies of converſation? I have lived but too long in a ceaſeleſs round of theſe follies. The beſt part of my time hath been ſpent *ſub dio*. I have ſerved in all weathers, and in all climates, but chiefly in the torrid zone of politics, where the paſſions of all men are on fire, and where ſuch as have lived the longeſt, and are thought the happieſt, are ſcarcely able to reconcile themſelves to the ſultry air of the place. But this warfare is now happily at an end. I have languiſhed theſe many years for the ſhade. Thanks to my Lord *St. Albans*,

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and another noble lord you know of, I have now gained it. And it is not a ſmall matter, I aſſure you, ſhall force me out of this ſhelter.

Nothing is eaſier, ſaid I, than for you men of wit to throw a ridicule upon any thing. It is but applying a quaint figure, or a well-turned ſentence *, and the buſineſs is done. But indeed, my beſt friend, it gives me pain to find you not diverting only, but deceiving yourſelf with this unſeaſonable ingenuity. So long as theſe ſallies of fancy were employed only to enliven converſation, or furniſh matter for an ode or an epigram, all was very well. But now that you ſeem diſpoſed to *act* upon them, you muſt excuſe me if I take the matter a little more ſeriouſly. To deal plainly with you, I come to tell you my whole mind on this ſubject:

* It may ſeem ſtrange to hear Mr. *Cowley's* friend declare himſelf ſo roundly againſt *well-turned ſentences*, when, as one hath obſerved, all his own merit "was comprized in the well rounding a period." [Pope's works, 12*mo*. Vol. IV. *p*. 159. *Lond*. 1753.] But I take this for a natural ſtroke of character. Nothing is more common, than for ſuch writers not to know, or to affect to undervalue, their own proper merits. And ſuch, it ſeems, was his language on other occaſions. "How many rewards (ſays he, in his famous *hiſtory of the R. Society*) which are due to more profitable and difficult arts, have been ſtill ſnatched away *by the eaſy vanity of fine ſpeaking?* For now I am warmed with this juſt anger, I cannot withold myſelf from betraying the ſhallowneſs of all theſe ſeeming myſteries, upon which we writers and ſpeakers look ſo big. And in few words, I dare ſay, that of all the ſtudies of men, nothing may be ſooner obtained, than this *vicious abundance of phraſe, this trick of metaphors, this volubility of tongue*, which makes ſo great a noiſe in the world. But I ſpend words in vain" — [*p*. 112.] Nay, worſe than ſo: he ſpends them to the utter ruin of his own reputation as a writer, ſhould we take him at his word, and believe, (as after ſuch a ſpecimen of his *volubility* he ſcarcely ſuppoſed we could) that *this trick of phraſe*, which was his *all*, hath

ſubject: and to give what I have to ſay the greater conſequence with you, I muſt not conceal from you, that I come commiſſioned by the excellent lord you honour ſo much, and have juſt now mentioned, to expoſtulate in the freeſt manner with you upon it.

We had continued walking all this time, and were now aſcending a ſort of natural terras. It led to a ſmall thicket, in the entrance of which was a ſeat that commanded a pleaſant view of the country, and the river. Taking me up to it, "Well, ſaid he, my good friend, ſince your purpoſe in coming hither is ſo kind, and my Lord *St. Albans* himſelf doth me the honour to think my private concerns deſerving his particular notice, it becomes me to receive your meſſage with reſpect, and to debate the matter, ſince you preſs it ſo home upon me, with all poſſible calmneſs. But let us, if you pleaſe, ſit down here. You will find it the moſt agreeable ſpot I have to treat you with; and the ſhade we have

hath indeed ſo ſlender a merit in it. His judicious friend, who thought otherwiſe, and knew him better, perceived where his ſtrength lay, and hath accordingly made *this eaſy vanity of fine ſpeaking*, the baſis of that noble compliment which he paid him on his grand work.

From all modern follies he
Has vindicated ELOQUENCE and WIT.
His CANDID STILE, like a clear ſtream, does glide,
And his bright fancy all the way
Does like the ſun-ſhine in it PLAY;
It does, like *Thames*, the beſt of rivers, glide
Where the god does not rudely o'erturn,
But GENTLY pour the cryſtal urn, [GUIDE.
AND WITH JUDICIOUS HAND DOES THE WHOLE CURRENT
'T has all the BEAUTIES nature can impart,
And all the COMELY DRESS, without the paint of art.

We ſee the *friend* and the *panegyriſt* in theſe charming lines; but through all the heightenings of *both*, we diſcern very clearly the hiſtorian's *true* character.

about

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about us, will not, I ſuppoſe, at this hour be unwelcome." And now, turning himſelf to me, "Let me hear from you, what there is in my retreat to this place, which a wiſe man can have reaſon to cenſure, or which may deſerve the diſallowance of a friend. I know you come prepared with every argument which men of the world have at any time employed againſt retirement; and I know your ability to give to each its full force. But look upon this ſcene before you, and tell me what inducements I can poſſibly have to quit it for any thing you can promiſe me in exchange? Is there in that vaſt labyrinth, you call the world, where ſo many thouſands loſe themſelves in endleſs wandrings and perplexities, any corner where the mind can recollect itſelf ſo perfectly, where it can attend to its own buſineſs, and purſue its proper intereſts ſo conveniently, as in this quiet and ſequeſtered ſpot? Here the paſſions ſubſide, or, if they continue to agitate, do not however tranſport the mind with thoſe feveriſh and vexatious fervours, which diſtract us in public life. This is the ſeat of virtue and of reaſon; here I can faſhion my life by the precepts of duty and conſcience; and here I have leiſure to make acquaintance, that acquaintance which elſewhere is ſo rarely, if ever, made, with the ways and works of God. Think again, my friend. Doth not the genius of the place ſeize you? Do you not perceive a certain ſerenity ſteal in upon you? Doth not the aſpect of things around you, the very ſtillneſs of this retreat, infuſe a content and ſatisfaction, which the world knows nothing of? Tell me, in a word, is there not ſomething like enchantment about us? Do you not find your deſires more compoſed, your purpoſes more pure, your thoughts more elevated, and more active, ſince your entrance into this ſcene?"

He was proceeding in this ſtrain with an air of perfect enthuſiaſm, when I broke in upon him with aſking, "Whether this was what he called *debating the*

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the matter calmly with me. Surely, ſaid I, this is poetry, or ſomething ſtill more extravagant. You cannot think I come prepared to encounter you in this way. I own myſelf no match for you at theſe weapons, which indeed are too fine for my handling, and very unſuitable to my purpoſe, if they were not. The point is not which of us can ſay the handſomeſt things, but the trueſt, on either ſide of the queſtion. It is, as you ſaid, plain argument, and not rhetorical flouriſhes, much leſs poetical raptures, that muſt decide the matter in debate. Not but a great deal might be ſaid on my ſide, and, it may be, with more colour of truth, had I the command of an eloquence proper to ſet it off. I might aſk, in my turn, "Where is the mighty charm that draws you to this inglorious ſolitude, from the duties of buſineſs and converſation, from the proper end and employment of man? How comes it to paſs, that this ſtillneſs of a country landſcape, this uninſtructing, though agreeable enough ſcene of fields and waters, ſhould have greater beauty in your eye, than *flouriſhing peopled towns*, the ſcenes of induſtry and art, of public wealth and happineſs? Is not the *ſublime countenance* of man, ſo one of your acquaintance terms it, a more delightful object than any of theſe humble beauties that lie before us? And are not the human virtues, with all their train of lovely and beneficial effects in ſociety, better worth contemplating, than the products of inanimate nature in the field or wood? Where ſhould we ſeek for REASON, but in the minds of men tried and poliſhed in the ſchool of civil converſation? And where hath VIRTUE ſo much as a being out of the offices of ſocial life? Look well into yourſelf, I might ſay: hath not indeed the proper genius of ſolitude affected you? Doth not I know not what of chagrin and diſcontent hang about you? Is there not a gloom upon your mind, which darkens your views of human nature, and damps thoſe chearful

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chearful thoughts and ſprightly purpoſes, which friendſhip and ſociety inſpire?

You ſee, Sir, were I but diſpoſed, and as able as you are, to purſue this way of fancy and declamation, I might conjure up as many frightful forms in theſe retired walks, as you have delightful ones. And the enchantment in good hands would, I am perſuaded, have more the appearance of reality. But this is not the way in which I take upon myſelf to contend with you. I would hear, if you pleaſe, what reaſons, that deſerve to be ſo called, could determine you to ſo ſtrange, and forgive me, if at preſent I am forced to think it, ſo unreaſonable a project, as that of devoting your health and years to this monaſtic retirement. I would lay before you the arguments, which, I preſume, ſhould move you to quit a haſty, perhaps an unweighed reſolution; ſo improper in itſelf, ſo alarming to all your friends, ſo injurious to your own intereſt, and, permit me to ſay, to the public. I would enforce all this with the mild perſuaſions of a friend; and with the wiſdom, the authority of a great perſon, to whoſe opinion you owe a deference, and who deſerves it too from the entire love and affection he bears you.

My deareſt friend, replied he, with an earneſtneſs that awed, and a goodneſs that melted me, I am not to learn the affection which either you or my noble friend bear me. I have had too many proofs of it from both to ſuffer me to doubt it. But why will you not allow me to judge of what is proper to conſtitute my own happineſs? And why muſt I be denied the privilege of chooſing for myſelf, in a matter where the different taſte or humour of others makes them ſo unfit to preſcribe to me? Yet I ſubmit to theſe unequal terms; and if I cannot juſtify the choice I have made, even in the way of ſerious reaſon and argument, I promiſe to yield myſelf to your advice and authority. You have

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taken me perhaps a little unprepared and unfurniſhed for this conflict. I have not marſhalled my forces in form, as you ſeem to have done; and it may be difficult, on the ſudden, to methodize my thoughts in the manner you may poſſibly expect from me. But come, ſaid he, I will do my beſt in this emergency. You will excuſe the rapture which hurried me, at ſetting out, beyond the bounds which your ſeverer temper requires. The ſubject always fires me; and I find it difficult, in entering on this argument, to reſtrain thoſe triumphant ſallies, which had better been reſerved for the cloſe of it.

Here he pauſed a little; and recollecting himſelf, "But firſt, reſumed he, you will take notice, that I am not at all concerned in the general queſtion, ſo much, and, I think, ſo vainly agitated, "*whether a life of retirement be preferable to one of action?*" I am not, I aſſure you, for unpeopling our cities, and ſending their induſtrious and uſeful inhabitants into woods and cloyſters. I acknowledge and admire the improvements of arts, the conveniencies of ſociety, the policies of government *. I have no thought ſo mad or ſo ſilly, as that of wiſhing to ſee the tribes of mankind diſbanded, their intereſts and connections diſſolved, and themſelves turned looſe into a ſingle and ſolitary exiſtence. I would not even wiſh to ſee our courts deſerted of their homagers, though I cannot but be of opinion, that an airing now and then at their coun-

* He is more reaſonable here than in one of his *Eſſays*, where he ſays on this ſubject, "It is the great boaſt of eloquence and philoſophy, that they firſt congregated men diſperſed, united them into cities, and built up the houſes and the walls of cities. I wiſh they could unravel all they had woven, that we might have our woods and our innocence again, inſtead *of our caſtles and our policies.*" But this is the language of declamation. And in general, I think, we may obſerve, that though

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country-houſes, and that not with the view of diverting, but recollecting themſelves, would prove as uſeful to their ſenſe and virtue as to their eſtates. But all this, as I ſaid, is ſo far from coming into the ſcheme of my ſerious wiſhes, that it does not ſo much as enter into my thoughts. Let wealth and power, and pleaſure, be as eagerly ſought after as they ever will be: let thouſands or millions aſſemble in vaſt towns, for the ſake of purſuing their ſeveral ends, as it may chance, of profit, vanity, or amuſement. All this is nothing to me, who pretend not to determine for other men, but to vindicate my own choice of this retirement.

As much as I have been involved in the engagements of buſineſs, I have not lived thus long without looking frequently, and ſometimes attentively into myſelf. I maintain, then, that to a perſon ſo moulded as I am, of the *temper and turn of mind*, which Nature hath given me; of *the ſort of talents*, with which education or genius hath furniſhed me; and laſtly, of the *circumſtances*, in which fortune hath placed me; I ſay, to a perſon ſo characſtered and ſo ſituated, RETIREMENT is not only his choice, but his duty; is not only what his inclination leads him to, but his judgment. And upon theſe grounds, if you will, I venture to undertake my own apology to you.

though he is more lively and eloquent in his *Eſſays*, he explains his notions of life with more exactneſs and ſobriety in this *Dialogue*. The reaſon may be, that in a debate with a friend, who is known to hold a contrary opinion, one is not ſo apt to indulge in theſe random flights as *in written Eſſays*, where there is no fear of inſtant contradiction. This ſhews the utility of *Dialogues*; which, when given from the life, as theſe are, muſt be of great authority, and of the higheſt uſe, to let us in to the true ſentiments of the ſpeakers.

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Your propoſal, ſaid I, is very fair, and I can have no objection to cloſe with you upon theſe terms; only you muſt take care, my friend, that you do not miſtake or miſrepreſent your own talents or character; a miſcarriage, which, allow me to ſay, is not very rare from the partialities which an indulged humour, too eaſily taken for nature, is apt to create in us.

Or what, replied he, if this humour, as you call it, be ſo rooted as to become a *ſecond* nature? Can it, in the inſtance before us, be worth the pains of correcting?

I ſhould think ſo, returned I, in your caſe. But let me firſt hear the judgment you form of yourſelf, before I trouble you with that which I and your other friends make of you.

I cannot but think, reſumed he, that my ſituation at preſent muſt appear very ridiculous. I am forced into an *apology* for my own conduct, in a very nice affair, which it might become another, rather than myſelf, to make for me. In order to this I am conſtrained to reveal to you the very ſecrets, that is, the foibles and weakneſſes of my own heart. I am to lay myſelf open and naked before you. This would be an unwelcome taſk to moſt men. But your friendſhip, and the confidence I have in your affection, prevail over all ſcruples. Hitherto your friend hath uſed the common privilege of wearing a diſguiſe, of maſking himſelf, as the poet makes his hero, in a *cloud*, which is of uſe to keep off the too near and curious inſpection both of friends and enemies. But at your bidding it falls off, and you are now to ſee him in his juſt proportion and true features.

My beſt friend, proceeded he with an air of earneſtneſs and recollection, it is now above forty years that I have

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I have lived in this world; and in all the rational part of that time there hath not, I believe, a ſingle day paſt without an ardent longing for ſuch a retreat from it, as you ſee me at length bleſſed with. You have heard me repeat ſome verſes, which were made by me ſo early as the age of *thirteen*, and in which that inclination is expreſſed as ſtrongly as in any thing I have ever ſaid or written on that ſubject *. Hence you may gueſs the proper turn and bias of my nature; which began ſo ſoon, and hath continued thus long, to ſhow itſelf in the conſtant workings of that paſſion. Even in my earlieſt years at ſchool, you will hardly imagine how uneaſy conſtraint of every kind was to me, and with what delight I broke away from the cuſtomary ſports and paſtimes of that age, to ſaunter the time away by myſelf, or with a companion, if I could meet with any ſuch, of my own humour. The ſame inclination purſued me to college; where a private walk, with a book or friend, was beyond any amuſement, which, in that ſprightly ſeaſon of life, I had any acquaintance with. It is with a fond indulgence my memory even now returns to theſe paſt pleaſures. It was in thoſe retired ramblings that a thouſand charming perceptions and bright ideas would ſtream in upon me. The muſe was kindeſt in thoſe hours: and I know not how, Philoſophy herſelf would *oftner* meet me amidſt the willows of the CAM, than in the formal ſchools of ſcience, within the walls of my college, or in my tutor's chamber.

I underſtand, ſaid I, the true ſecret of that matter. You had now contracted an intimacy with the poets, and others of the fanciful tribe. You was even admitted of their company; and it was but fit you ſhould adopt their fancies, and ſpeak their language.

* Theſe verſes are inſerted in one of his *Eſſays*, and in ſome editions of his works.

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Hence thoſe day-dreams of *ſhade and ſilence*, and I know not what viſions which tranſport the minds of young men on their entrance into theſe regions of *Parnaſſus*.

It ſhould ſeem then, returned he, by your way of of expreſſing it, as if you thought this paſſion for *ſhade and ſilence* was only pretended to on a principle of *faſhion*; or at moſt, was catched by the lovers of poetry from each other, in the way of *ſympathy*, without nature's having any hand at all in the production of it.

Something like that, I told him, was my real ſentiment; and that theſe agreeable reveries of the old poets had done much hurt by being taken too ſeriouſly. Were Horace and Virgil, think you, as much in earneſt as you appear to be, when they were crying out perpetually on their favourite theme of *otium* and *ſeceſſus*, "they, who lived and died in a court?"

I believe, ſaid he, they were, and that the ſhort accounts we have of their lives ſhew it, though a perfect diſmiſſion from the court was what they could not obtain, or had not the reſolution to inſiſt upon. But pray, upon your principles, that all this is but the enchantment of *example* or *faſhion*, how came it to paſs, that the firſt ſeducers of the family, the old poets themſelves, had fallen into theſe notions? They were ſurely no pretenders. They could only write from the heart; and methinks it were more candid, as well as more reaſonable, to account for this paſſion, which hath ſo conſtantly ſhewn itſelf in their ſucceſſors, from the ſame reaſon. It is likely indeed, and ſo much I can readily allow, that the early reading of the poets might contribute ſomething to confirm and ſtrengthen my natural bias *. But let the matter reſt for the preſent. I would

* Mr. *Cowley*, as uſual, is more exact and guarded in this apology than in his *Eſſays*; where he ſeems willing to admit all

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would now go on with the detail of my own life and experience, ſo proper, as I think, to convince you that what I am pleading for is the reſult of nature.

I was ſaying how agreeably my youth paſſed in theſe reveries, if you will have it ſo, and eſpecially *inter ſylvas academi*.

Dura ſed emovere loco me tempora grato,
Civiliſque rudem belli tulit æſtus in arma.

You know the conſequence. This civil turmoil drove me from the ſhelter of retirement into the heat and buſtle of life; from thoſe ſtudies which, as you ſay, had enchanted my youth, into buſineſs and action of all ſorts. I lived in the world: I converſed familiarly with the great. A change like this, one would ſuppoſe, were enough to undo the prejudices of education. But the very reverſe happened. The farther I engaged, and the longer I continued in this ſcene, the greater my impatience was of retiring from it. But you will ſay, my old vice was nouriſhed in me by living in the neighbourhood of books and letters *. I was yet in the fairy land of the Muſes; and, under theſe circumſtances, it was no wonder that neither arms nor buſineſs, nor a court, could prevent the mind from returning to its old bias. All this may be true. And

all that his friend now charges upon him. "Perhaps, ſays he, (ſpeaking of the poets) it was the immature and immoderate love of them, which ſtampt firſt, or rather engraved the characters in me: they were like letters cut in the bark of a young tree, which with the tree ſtill grow proportionably." [*Eſſay on himſelf.*]— Unleſs you will ſuppoſe, that this conceſſion was made for the ſake of introducing ſo fine and claſſical a compariſon.

* "When the civil war broke out, his [Mr. *Cowley's*] affection to the king's cauſe drew him to *Oxford*, as ſoon as it began to be the chief ſeat of the royal party." [Dr. *Sprat's* life of him.]

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yet, I think, if that court had contained many ſuch perſons as ſome I knew in it, neither the diſtractions of buſineſs on the one hand, nor the blandiſhments of the Muſe on the other, could have diſpoſed me to leave it. But there were few LORD FALKLANDS.—And unhappily my admiration of that nobleman's worth and honour †, created an invincible averſion to the reſt, who had little reſemblance of his virtues.

I would not be thought, ſaid I, to detract from ſo accompliſhed a character as that of the lord FALKLAND; but ſurely there was ſomething in his notions of honour—

Not a word, interrupted he eagerly, that may but ſeem to throw a ſhade on a virtue the brighteſt and pureſt that hath done honour to theſe later ages.—— But I turn from a ſubject that intereſts me too much, and would lead me too far. Whatever attractions there might be in ſuch a place, and in ſuch *friendſhips*, the iniquity of the times ſoon forced me from them. Yet I had the leſs reaſon to complain, as my next remove was into the family of ſo beneficent a patron as the lord JERMYN, and into the court of ſo accompliſhed a princeſs, as the QUEEN MOTHER. My reſidence, you know, was now for many years in *France*; a country, which picques itſelf on all the refinements of civility, and pretends to make an art of its *ſçavoir vivre*. Here

† Dr. *Sprat* tells us in *his life*, "That during his reſidence at *Oxford*, he had the entire friendſhip of my lord *Falkland*, one of the principal ſecretaries of ſtate. That affection was contracted by the agreement of their learning and manners. For you may remember, Sir, [addreſſing himſelf to Mr. *M. Clifford*] we have often heard Mr. *Cowley* admire him, not only for the profoundneſs of his knowledge, which was applauded by all the world, but more eſpecially for thoſe qualities which he himſelf more regarded, for *his generoſity of mind, and his neglect of the vain pomp of human greatneſs.*

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the world was to appear to me in its faireſt light. And converſation, it was not doubted, would put on all its charms to wean me from the love of a ſtudious retired life. I will not ſay I was diſappointed in this expectation. All that the elegance of poliſhed manners could contribute to make ſociety attractive, was to be found in this new ſcene. It was beſides conſpicuous and magnificent. All the paint and glitter of a court was ſhed on it. My ſituation was ſuch, that I came to have a ſort of familiarity with greatneſs. Yet ſhall I confeſs my inmoſt ſentiments of this gilded life to you? I found it empty, fallacious, and even diſguſting. The outſide indeed was fair. But to me, who had an opportunity of looking it through, nothing could be more deformed and hateful. All was ambition, intrigue, and falſhood. Every one intent on his own ſchemes, frequently wicked, always baſe and ſelfiſh. Great profeſſions of honour, of friendſhip, and of duty; but all ending in low views and ſordid practices. No truth, no ſincerity*; without which converſation is but words; and the poliſh of manners, the idleſt foppery.

Surely, interpoſed I, this picture muſt be overcharged. Frailties and imperfections, no doubt, there will be in all ſocieties of men, eſpecially where there is room for competition in their purſuits of honour and

* To the ſame purpoſe the excellent archbiſhop *Tillotſon*, "I could not at a diſtance believe that *the upper end of the world* was ſo hollow, as I find it. I except a very few, of whom I can believe no ill, till I plainly ſee it." [See *his letter to lady* Ruſſel, in Mr. *Birch's life of the Archbiſhop*, p. 315.] The concurrence of two ſuch knowing and candid perſons, as Mr. *Cowley* and archbiſhop *Tillotſon*, in this opinion of the *upper part of the world*, were enough to lead one to ſtrange concluſions; which yet, after all, would doubtleſs be as unjuſt as they are uncharitable.

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intereſt. But your idea of a court is that of a den of thieves, only better dreſſed, and more civilized.

That, ſaid he, is the idea under which truth obliges me to repreſent it. Believe me, I have been long enough acquainted with that country, to give you a pretty exact account of its inhabitants. Their ſole buſineſs is to follow the humour of the prince, or of his favourite, to ſpeak the current language, to ſerve the preſent turn, and to cozen one another †. In ſhort, their virtue is diſſimulation; and their ſenſe, cunning. You will gueſs now, continued he, how uneaſy I muſt be in ſuch company; I, who cannot lie, though it were to make a friend, or ruin an enemy; who have been taught to bear no reſpect to any but true wiſdom; and, whether it be nature or education, could never endure (pardon the fooliſh boaſt) that hypocriſy ſhould uſurp the honours, and triumph in the ſpoils of vir-

† This whole invective againſt courts may give one occaſion to admire the *probity* of the ſpeaker's mind. But the reader, who knows the world, will be apt to think it a *probity* of the ſort which an eminent German philoſopher condemns in theſe words. "J'avoue que la PROBITE eſt ſouvent accompagnée de PRESUMPTION et d'OBSTINATION dans les PETITS GENIES, et que des gens de ce caractere decident HARDIMENT, et condamnent avec trop de precipitation et trop de hauteur, CE QUI LEUR DEPLAIT, qui ſouvent EST TROP INDIFFERENT POUR MERITER DE LEUR DEPLAIRE." This ingenious *Moraliſt* well obſerves, that it is only in *little minds*, *dans les petits genies*, that *probity* is attended with theſe bad ſymptoms. The *politician* will go further, and tell us who theſe *men of little minds* are. "Il ne faut ſe ſervir [ſays *Cardinal Richlieu* in his *political Teſtament*] de GENS DE BAS LIEU; il ſont TROP AUSTERES ET TROP DIFFICILES. So that poor *Cowley's* misfortune and ill ſucceſs in the world was owing, after all, to the original ſin of his *low birth*; it being impoſſible, the cardinal tells us, that ſo mean a ſtock, with all poſſible cultivation, ſhould come to bear the more generous and courtly virtues.

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tue. Nay further, my good friend, (for I muſt tell you all I know of myſelf, though it expoſe me ever ſo much to the charge of folly, or even vanity) I was not born for courts and general converſation. Beſides the unconquerable averſion I have to knaves and fools, (though theſe laſt, but that they are commonly knaves too, I could bring myſelf to tolerate): beſides this uncourtly humour, I have another of ſo odd a kind, that I almoſt want words to expreſs myſelf intelligibly to you. It is a ſort of capricious delicacy which occaſions a wide difference in my eſtimation of thoſe characters in which the world makes no diſtinction. It is not enough to make me converſe with eaſe and pleaſure with a man, that I ſee no notorious vices, or even obſerve ſome conſiderable virtues in him. His good qualities muſt have a certain grace, and even his ſenſe muſt be of a certain turn, to give me a reliſh of his converſation. I ſee you ſmile at this talk, and am aware how fantaſtic this ſqueamiſhneſs muſt appear to you. But it is with men and manners, as with the forms and aſpects of natural things. A thouſand objects recal ideas, and excite ſenſations in my mind, which ſeem to be not perceived, or not heeded by other men. The look of a country, the very ſhading of a landſkip, ſhall have a ſenſible effect on me, which they, who have as good eyes, appear to make no account of. It is juſt the ſame with the characters of men. I conceive a diſguſt at ſome, and a ſecret regard for others, whom many, I believe, would eſtimate juſt alike. And what is worſe, a long and general converſation hath not been able to cure me of this foible. I queſtion, ſaid he, turning himſelf to me, but, if I was called upon to aſſign the reaſons of that entire affection, which knits me to my beſt friend, they would be reſolved at laſt into a ſomething, which they, who love him perhaps as well, would have no idea of.

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He ſaid this in a way that diſarmed me, or I had it in my mind to have rallied him on his doctrine of *occult qualities* and *unintelligible* forms. I therefore contented myſelf with ſaying, that I muſt not hear him go on at this ſtrange rate; and aſked him if it was poſſible he could ſuffer himſelf to be biaſſed, in an affair of this moment, by ſuch whimſies?

Thoſe whimſies, reſumed he, had a real effect. But conſider further, the endleſs impertinencies of converſation; the diſſipation, and loſs of time; the diverſion of the mind from all that is truly uſeful or inſtructive, from what a reaſonable man would or ſhould delight in: add to theſe, the vexations of buſineſs; the ſlavery of dependence, the diſcourteſies of ſome, the groſſer injuries of others; the danger, or the ſcorn to which virtue is continually ſubject; in ſhort, the knavery, or folly, or malevolence of all around you; and tell me, if any thing but the unhappy times, and a ſenſe of duty, could have detained a man of my temper and principles ſo long in a ſtation of life ſo very uneaſy and diſguſting to me.

Nothing is eaſier, ſaid I, than to exaggerate the inconveniencies of any ſituation. The world and the court have doubtleſs theirs. But you ſeem to forget one particular; that the *unhappy times* you ſpeak of, and the ſtate of the court, were an excuſe for part of the diſagreeable circumſtances you have mentioned. The face of things is now altered. The ſtorm is over. A calm has ſucceeded. And why ſhould not you take the benefit of theſe halcyon days, in which ſo many others have found their eaſe, and even enjoyment?

Theſe halcyon days, returned he, are not, alas! what unexperienced men are ready to repreſent them. The ſame vices, the ſame follies prevail ſtill, and are even multiplied and enflamed by proſperity. A ſuffering

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fering court, if any, might be expected to be the seed-plot of virtues. But to satisfy your scruples, I have even made a trial of these happier times. All I wished to myself from the happiest, was but such a return for my past services, as might enable me to retire with decency. Such a return I seem not to have merited. And I care not at this time of day to waste more of my precious time in deserving a better treatment.

Your day, said I, is not so far spent, as to require this hasty determination. Besides, if this be all, the world may be apt to censure your retreat, as the effect of chagrin and disappointment.

His colour rose, as I said this; the world, resumed he, will censure as it sees fit. I must have leave at length to judge for myself in what so essentially concerns my own happiness. Though if ever *chagrin* may be pleaded as a reason for retirement, perhaps no body had ever a better right than I have to plead it. You know what hath happened of late, to give me a disgust to courts. You know the view I had in my late comedy *, and the grounds I had to expect the thanks of the ministry for it. But you know too the issue of that attempt. And should I, after this experience of courtly gratitude, go about to solicit their favours? But to let you see that I am swayed by better motives than those of *chagrin*, I shall not conceal from

* He means, I suppose, *The cutter of Coleman street*, the occasion and purpose of which was this. At the restoration, there was not a set of men more troublesome to the ministry than the cavalier officers; amongst whom had crept in all the profligate of broken fortunes, to share in the merits and rewards of that name. *Cowley* writ this comedy to unmask these wretches, and might reasonably pretend to some thanks for it. But, contrary to expectation, this very attempt raised a storm against him even at court, which beat violently upon him. See his preface to that play in the later editions in 8vo.

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you what I am proud enough to think of my TALENTS, as well as temper.

There are but two ſorts of men, purſued he, that ſhould think of living in a court, however it be that we ſee animals of all ſorts, clean and unclean, enter into it. The ONE is, of thoſe ſtrong and active ſpirits that are formed for buſineſs, whoſe ambition reconciles them to the buſtle of life, and whoſe capacity fits them for the diſcharge of its functions. Theſe, eſpecially if of noble birth and good fortunes, are deſtined to fill the firſt offices in a ſtate; and if, peradventure, they add virtue to their other parts and qualities, are the bleſſings of the age they live in. Some few ſuch there have been in former times; and the preſent, it may be, is not wholly without them.

The OTHER ſort are what one may properly enough call, if the phraſe were not ſomewhat uncourtly, the MOB OF COURTS; they, who have vanity or avarice without ambition, or ambition without talents. Theſe by aſſiduity, good luck, and the help of their vices, (for they would ſcorn to earn advancement, if it were to be had, by any worthy practices) may in time ſucceed to the lower poſts in a government; and together make up that ſhewy, ſervile, ſelfiſh crowd we dignify with the name of COURT. Now, though I think too juſtly of myſelf to believe I am qualified to enter into the *former* of theſe liſts, you may conclude, if you pleaſe, that I am too proud to brigue for an admiſſion into the *latter*. I pretend not to great abilities of any kind; but let me preſume a little in ſuppoſing, that I may have ſome too good to be thrown away on ſuch company.

Here, my lord, the unuſual freedom, and even indecency of Mr. *Cowley's* invective againſt courts, tranſported me ſo far, that I could not forbear turning upon

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on him with ſome warmth. Surely, ſaid I, my friend is much changed from what I always conceived of him. This heat of language from one of your candour, ſurprizes me equally with the injuſtice of it. It is ſo far from *calm reaſoning*, that it wants but little, methinks, of being downright railing. I believe, continued I, that I think more highly, that is, more juſtly of Mr. *Cowley* in every reſpect, than he allows himſelf to do. Yet I ſee not that either his time, or his talents, would be miſemployed in the ſervices he ſo undervalues. Allow me to ſay, your reſentment hath carried you too far; and that you do not enough conſider the friends you left at court, or the noble lord that wiſhes your return thither.

I do, ſaid he haſtily, conſider both. But, with your leave, ſince I am forced to defend myſelf againſt an ignominious charge, I muſt do myſelf the right to aſſume what I think belongs to me. I repeat it, I have long thought my time loſt in the poor amuſements and vanities of the great world, and that I have felt an impatience to get into a quiet ſcene, where, ſlender as my talents are, I might employ them to better purpoſe.

And think not, proceeded he, that I am carried to this choice by any thing ſo frivolous as the idleneſs of a poetical fancy. Not but the Muſe, which hath been the darling of my youth, may deſerve to be the companion of my riper age. For I am far from renouncing an art, which, unprofitable as it hath ever been to me, is always entertaining. And when employed, as I mean it ſhall be, in other ſervices than thoſe by which a voluptuous court ſeems willing to diſgrace it *, I ſee not what there is in this amuſement of

* This was ſpoken in 1661. What would he have ſaid, if he had continued in the court ſome years longer?

poetry,

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poetry, for the ſevereſt cenſor of life and manners to take offence at. Yet ſtill I intend it for an amuſement. My ſerious occupations will be very different; ſuch as you, my friend, cannot diſapprove, and ſhould encourage. But I have opened to you my intentions more than once, and need not give you the trouble at this time to hear me explain them.

You mean, interpoſed I, to apply yourſelf to *natural* and *religious* enquiries. Your deſign is commendable, and I would not diſſuade you from it. But what ſhould hinder your purſuing this deſign as well in ſociety as in this ſolitude?

What, at COURT, returned he, where the only object, that all men are in queſt of, is GAIN, and the only deity they acknowledge, FORTUNE? or ſay, that ſuch idolatries did not prevail there, how ſhall the mind be calm enough for ſo ſublime enquiries? Or where, but in this ſcene of genuine nature, is there an opportunity to indulge in them? Here, if any where, is the obſervation of the poet verified, DEUS EST QUODCUNQUE VIDES. Look round, my friend, on this florid earth, on the various claſſes of *animals* that inhabit, and the countleſs *vegetable* tribes that adorn it. Here is the proper ſchool of wiſdom,

"And this our life, exempt from public haunt,
Finds tongues in trees, books in the running brooks,
Sermons in ſtones, and good in every thing *.

Infinite

* There is a quaintneſs in theſe lines of the great poet, which however are not unlike ſome of his own addreſſed to *J. Evelyne*, Eſq;

"Where does the wiſdom and the pow'r divine,
In a more bright and ſweet reflexion ſhine?
Where do we finer ſtrokes and colours ſee
Of the Creator's real poetry,

That

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Infinite are the uſes, continued he, which would reſult from this method of applying experiment and obſervation to *Natural Science*. I have taken occaſion, you know, to offer a ſlight ſketch of them to the public very lately *. But the principal I would draw from it to myſelf ſhould be, to inure the mind to juſt conceptions of the divine nature; that ſo, with the better advantage, I might turn myſelf to the awful ſtudy of his *Word*. And here, my friend, I am ſenſible how much I may expect to be animated by your zeal, and enlightened by your inſtruction. In the mean time, I pretend to poſſeſs ſome qualities, which, if rightly applied, may not be unſuitable to ſo high and adventrous an undertaking. I feel myſelf impelled by an eager curioſity: I have much patience, and ſome ſkill in making experiments. I may even be allowed to boaſt of a readineſs in the learned languages: and am not without a tincture of ſuch other ſtudies, as the ſucceſsful proſecution of PHYSICS, and ſtill more of DIVINITY, requires. You may farther impute to me, if you pleaſe, an ingenuous love of truth, and an ordinary degree of judgment to diſcern it. Theſe, concluded he, are the TALENTS of which I ſpoke to you ſo proudly; and with the help of theſe, (eſpecially if you allow me *one* other, the power of *communicating* what I may chance to learn of natural or divine things) I might hope to render a better account of this

Than when we with attention look
Upon the third day's volume of the book?
If we could open and intend our eye,
We all, like *Moſes*, ſhould eſpy,
Ev'n in a *Buſh*, the radiant Deity.

* I preſume he means the PREFACE to his *Propoſition for the advancement of experimental philoſophy*. It muſt, as he ſays, have been *very lately*; for that *Propoſition*, I believe, was firſt printed in 1661. *See the edition in* 24*to. Lond. for H. Herringham.*

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ſolitude, than of any employments I could reaſonably aſpire to, in the world of men and of buſineſs.

He ſaid this with an air of ſolemnity, which left me a little at a loſs what to reply to him, when he relieved my perplexity by adding, "but, though there was nothing of all this in the caſe, and my zeal for promoting knowledge in this private way, were as lightly to be accounted of, as *that*, which led me to propoſe the more extenſive ſcheme I before mentioned, probably will be, yet what ſhould draw me from this leiſure of a learned retirement? For though I pleaſe myſelf with the proſpect of doing ſome *public* ſervice by my ſtudies, yet need I bluſh to own to my learned friend, the fondneſs I ſhould ſtill have for them, were they only to end in my own *private* enjoyment? Yes, let me open my whole ſoul to you. I have ever delighted in letters, and have even found them, what the world is well enough content they ſhould be, their own reward. I doubt, if this language would be underſtood in all companies. And let others ſpeak as they find. But to me the year would drag heavily, and life itſelf be no life, if it were not quickened by theſe ingenuous pleaſures.

Indeed, were it only for the very quiet and indolence of mind, which retirement promiſes, why ſhould I be envied this calm in the decline of a troubled life? —But let the Muſe ſpeak for me:

After long toils and voyages in vain,
This quiet port let my toſt veſſel gain;
Of heav'nly reſt this earneſt to me lend,
Let my life ſleep, and learn to love her end.

And what if they, who have not the means of enjoying this *reſt*, ſubmit to the drudgery of buſineſs? Is that a reaſon for me to continue in it, who have made

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made my fortune, even to the extent of my wiſhes? I ſee you ſmile at this boaſt. But where would you have me ſtop in my deſires; or what is it you would have me underſtand by the myſterious language of *making a fortune?* Is it two hundred a year, or four, or a thouſand? Say, where ſhall we fix, or what limits will you undertake to preſcribe to the vague and ſhifting notion of a competency? Or, ſhall we own the truth at once, that every thing is a *competency* which a man is contented to live upon, and that therefore it varies only, as his deſires are more or leſs unreaſonable? To talk at any other rate of a *man's fortune*, is to expoſe one's ſelf to the ridicule, which the philoſopher, you know, threw on the reſtleſs humour of king Pyrrhus. 'Tis whim, chimera, madneſs, or what you will, except ſober reaſon and common ſenſe. Yet ſtill the world cries, "What, ſit down with a pittance, when the ways of honour and fortune are open to you? Take up with what may barely ſatisfy, when you have ſo fair a chance for affluence, and even ſuperfluity?"

Alas! and will that *affluence* then do more than ſatisfy? Or can it be worth the while to labour for a *ſuperfluity?*

'Tis true, the violence of the times, in which it was my fortune to bear a part, had left me bare and unprovided even of thoſe moderate accommodations, which my education and breeding might demand, and which a parent's piety had indeed bequeathed to me. It was but fitting then I ſhould ſtrive to repair this loſs; and the rather, as my honeſt ſervices gave me leave to hope for a ſpeedy reparation. And thus far I was contented to try my fortune in the court, though at the expence of ſome uneaſy attendance and ſollicitation. But ſeeing that this aſſiduity was without effect, and that the bounty of two excellent per-

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ſons * hath now ſet me above the neceſſity of continuing it, what madneſs were it to embark again

" Fluctibus in mediis et tempeſtatibus urbis ?

So that if you will needs be urging me with the ceaſeleſs exhortation of

" I, bone, quo virtus tua te vocat : I pede fauſto
Grandia laturus meritorum præmia :—

I muſt take leave to remind you of the ſage reply that was made to it. It was, you know, by an old ſoldier, who found himſelf exactly in my ſituation. The purſe, which, he had loſt by one accident, he had recovered by another. The concluſion was; that he had no mind, in this different ſtate of affairs, to turn adventurer again, and expoſe himſelf to the ſame perilous encounters.

" Poſt hæc ille catus, quantumvis RUSTICUS, " Ibit, Ibit eo, quo vis, QUI ZONAM PERDIDIT, inquit."

In one word, my friend, I am happy here, as you ſee me, in my little farm, which yet is large enough to anſwer all my real neceſſities ; and I am not in the humour of him in the fable †, to fill my head with viſions, and ſpend a wretched life in queſt of the *flying iſland*.

* Dr. *Sprat* tells us, " That he had obtained a plentiful eſtate by the favour of my lord *St. Albans*, and the bounty of my lord duke of *Buckingham*." [See his *Life*.]

† By this *fable*, I ſuppoſe, is meant *The true hiſtory of* Don Quixote; in which poor *Sancho Panca* is drawn into all adventures, by the promiſe of his *honourable knight*, (whoſe word, the ſpeaker would inſinuate, was as much to be taken as that of any *right honourable miniſter* whatſoever) to reward him in due time, with the government of an *iſland*.

And

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And now, added he, you have before you in one view the principal reaſons that have determined me to this retreat. I might have enlarged on each more copiouſly, but I know to whom I ſpeak: and perhaps to ſuch a one I might even have ſpared a good deal of what I have now been offering, from the ſeveral conſiderations of my TEMPER, TALENTS, and SITUATION.

Here he ſtopped. And now, my lord, it came to my turn to take the lead in this controverſy. There was indeed an ample field before me. And, if the other ſide of the queſtion afforded moſt matter for wit and declamation, mine had all the advantages of good ſenſe and ſound reaſon. The ſuperiority was ſo apparent, and my victory over him, in point of argument, ſo ſure, that I thought it needleſs and ungenerous to preſs him on every article of his defence, in which he had laid himſelf open to me. Your lordſhip hath, no doubt, obſerved with wonder and with pity, the ſtrange ſpirit that runs through every part of it: the confined way of thinking which hath crept upon him; the cynical ſeverity he indulges againſt courts; the importance he would ſometimes aſſume to his own character; the peeviſh turn of mind that leads him to take offence at the lighter follies and almoſt excuſable vices * of the great; in ſhort, the reſentment, the picque

* This, no doubt, will ſound a little harſh to vulgar ears. But men of enlarged minds, who know the world, will ſee nothing in the inſinuation of this virtuous divine, but what may be fairly juſtified. The famous FENELON had, it ſeems, with the ſpirit of our COWLEY, been pretty free in cenſuring the *conduct* of a noble *Roman*, in a certain delicate conjuncture, "*as not conſiſtent with rigid morality.*" But let us hear what a man of morals, and which is more, a profeſſed inſtitutor of youth, has to ſay to this too ſcrupulous caſuiſt. You tell us, that the conduct in queſtion is not according to the rules of

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pique, the chagrin, which one overlooks in the hopeless suitor, or hungry poet, but which are very unaccountable in one of Mr. *Cowley's* condition and situation *. Here, my lord, was a fair occasion for a wil-

strict morality. "Perhaps it is not: but are there not some grains of allowance to be made to great men engaged in high contests for life and honour, amid the shocks of fortune, and whirls of passion, that attend them. A philosopher in his closet, and a general at the head of an army, or the chief at that of a party, have very different points of view. The conduct of life in this respect resembles, methinks, that of a poem. Perhaps no poet ever composed from a *system*; or was worth the reading, if he did. Carried along, or rather hurried away, by the fire of his fancy, and the lustre of imagery dancing before his eyes, he indulges his vein, without regarding *Aristotle* or *Bossu*. In like manner"—But we need not complete the parallel. Every one sees that, in the opinion of the late Mr. Professor BLACKWELL, *Principal of the Marischal College in the University of* Aberdeen, a great man, hurried away by the fire of his *Passions*, and the lustre of *honours* or *pleasures* dancing before him, is not accountable for his escapes to the neglected Moralist, but may freely indulge his vein in spite of what his philosophy, not to say his religion, may teach to the contrary. How liberal is the spirit of the modern *Shaftsburian* ethics! Ancient moralists, and even the father of this virtuous sect, were perpetually crying out on the *deformity* of vice; that is, of all excessive or irregular gratification of the passions; but this *complacent* casuist of *North Britain* finds a certain poetical *grace* in conducting the drama of life, not by strict rule, but the sallies of imperious passion. — I should not have said thus much on so plain a point, but for the sake of justifying Mr. *Sprat*, by so respectable and so recent an example. It might be added, no doubt, for the satisfaction of such as love to see a comparison *run on all four*, that the violation of rule in the real drama of life, is of as little consequence to himself or mankind, as in the poet's fictitious scene. See *Memoirs of the court of* Augustus, Vol. II. *p.* 340.

* Mr. *Sprat*, to be sure, looked upon his friend as a *gone man*, one that there was no hope of reclaiming to the court, or he might have spared himself, one is ready to think, the trouble of this comment to his lordship.

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ling adverſary. But I ſpared the infirmities of my friend. Theſe weak parts of his character, which expoſed him to ſo eaſy a reprehenſion, were the reaſon that I paſſed them over without notice. I judged it beſt to keep him in temper, and avoid that heat of altercation, which muſt have ariſen from touching theſe indiſcretions as they deſerved. Your lordſhip ſees the reaſon I had for confining my reply to ſuch parts of his apology as bore the faireſt ſhew of reaſon, and might be encountered without offence.

When he had ended, therefore, with ſo formal a recapitulation of his diſcourſe, I thought it not amiſs to follow him in his own train; and diſſembling the juſt exceptions I had to his vindication in other reſpects, "You have proceeded, ſaid I, in a very diſtinct method, and have ſaid as much, I believe, on the ſubject, as ſo bad a cauſe would admit. But if this indeed be all you have to alledge, for ſo uncommon a fancy, you muſt not think it ſtrange, if I pronounce it without ſcruple, very inſufficient for your purpoſe. For, to give your ſeveral pleas a ſtricter examination, what is that TEMPER, let me aſk, on which you inſiſt ſo much, but a wayward humour, which your true judgment ſhould correct and controul by the higher and more important regards of *duty?* Every man is born with ſome prevailing propenſity or other, which, if left to itſelf, and indulged beyond certain bounds, would grow to be very injurious to himſelf and ſociety. There is ſomething, no doubt, amuſing in the notion of *retirement*. The very word implies eaſe and quiet, and ſelf-enjoyment. And who doubts, that in the throng and buſtle of life, moſt men are fond to image to themſelves, and even to wiſh for a ſcene of more compoſure and tranquillity? It is juſt as natural as that the labourer ſhould long for his repoſe at night; or that the ſoldier, amidſt the duſt and heat of a ſummer's march, ſhould wiſh for the conveniencies of ſhade and

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ſhelter. But what wild work would it make, if theſe ſo natural deſires ſhould be immediately gratified? If the labourer ſhould quit his plow, and the ſoldier his arms, to throw themſelves into the firſt ſhade or thicket that offered refreſhment? All you have therefore ſaid on this article can really ſtand for nothing in the eye of ſober reaſon, whatever figure it may make in the dreſs of your eloquence *. The inconveniencies of every ſtation are to be indured from the obligations of duty, and on account of the ſervices one is bound to render to himſelf and his country.

True, replied he, if it appeared to be one's duty, or even intereſt, to continue in that ſtation. But what principle of conſcience binds me to a ſlaviſh dependance at court? or what intereſt, public or private, can be an equivalent for wearing theſe chains, when I have it in my power to throw them off, and redeem myſelf into a ſtate of liberty?

What *Intereſt*, do you aſk, returned I? Why that great and extenſive one which *ſociety* hath in an honeſt and capable man's continuing to bear a part in public affairs. For as to inducements of another kind, I may find occaſion hereafter to preſs them upon you more ſeaſonably. Conſider well with yourſelf, what would the conſequence be, if all men of honour and ability were to act upon your principles? What a world

* What the doctor imputes ſo civilly to his friend's *Eloquence*, ſome will perhaps account for, from other reaſons. At leaſt, my lord BACON expreſſes himſelf in theſe words.—"As for the privateneſs of life of contemplative men, it is a theme ſo common to extol a private life, not taxed with ſenſuality and ſloth, in compariſon, and to the diſadvantage of a civil life, for ſafety, liberty, pleaſure and dignity, *as no man handleth it, but handleth it well*: ſuch a conſonancy it hath to mens conceits in the expreſſing, and to men's conſents in the allowing." [*Adv. of Learning*, *Book* I.]

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would this be, if knaves and fools only had the management in their hands, and all the virtuous and wiſe, as it were by common conſent, were to withdraw from it? Nay, the iſſue would even be fatal to themſelves; and they would preſently find it impoſſible to taſte repoſe, even in their own ſanctuary of retirement.

Small need, replied he, to terrify one's ſelf with ſuch apprehenſions. The virtuous, at leaſt they who paſs for ſuch, will generally have ambition enough to keep them in the road of public employments. So long as there are ſuch things as riches and honours, courts will never be unfurniſhed of ſuitors, even from amongſt the tribes of letter'd and virtuous men. The deſperately bad, at leaſt will never have the field left entirely to themſelves. And after all, the intereſt of men in office is, in the main, ſo providentially connected with ſome regard to the rules of honour and conſcience, that there is ſeldom any danger that matters ſhould come to extremities under the *worſt* adminiſtration. And I doubt this is all we are to expect, or at leaſt to reckon upon, with aſſurance, under the very *beſt*. But my anſwer is more direct. It is not for your little friend to think of getting a ſeat in the cabinet-council, or of conducting the great affairs of the ſtate. He knows himſelf to be as unfit for thoſe high truſts, as he is incapable of aſpiring to them. Beſides, he does not allow himſelf to doubt of their being diſcharged with perfect ability, by the great perſons who now fill them. HE, at leaſt, who occupies the foremoſt place of authority, is, by the allowance of all, to be paralleled with ANY that the wiſeſt prince hath ever advanced to that ſtation. And when ſo conſummate a pilot ſits at the helm, it ſeems a matter of little moment by what hands the veſſel of the common-wealth is navigated.

I could not agree with him in this concluding remark, and much leſs in the high-flown encomium

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which introduced it *. But waving theſe leſſer matters, I contented myſelf with obſerving, "That let him put what gloſs he would on this humour of declining civil buſineſs, it muſt needs be conſidered by all unbiaſſed perſons, as highly prejudicial to public order and government; that if good men would not be employed, the bad muſt; and that, to ſay the leaſt, the cauſe of learning and virtue muſt ſuffer exceedingly in the eyes of men, when they ſee thoſe very qualities, which alone can render us uſeful to the world, diſpoſe us to fly from it.

For as to the *plea*, continued I, of employing them to better purpoſe in the way of *private and ſolitary* CONTEMPLATION, I can hold it for little better than enthuſiaſm. Several perſons, I know, would give it a worſe name, and ſay, as *Tacitus* ſomewhere does, that it ſerves only for a ſpecious cover to that love of eaſe and ſelf-indulgence, which he will have to be at the bottom of ſuch pretences †. But even with the beſt conſtruction the matter was capable of, he would never, I inſiſted, juſtify that plea to the underſtandings of prudent and knowing men. We allow the obſcure pedant to talk high of the dignity of his office, and magnify, as much as he pleaſes, the importance of his ſpeculations. Such an indulgence ſerves

* The ſpeaker is much to be commended for this caution. He was writing to the lord ST. ALBANS, and was, at this time, chaplain to the duke of BUCKINGHAM.

† This looſe way of quoting by memory, the reader may be ſure, has occaſioned the editor of theſe *Dialogues* no ſmall trouble. After turning over almoſt all *Tacitus*, he met, at laſt, with the following paſſage, which he believes may be that here glanced at.— "Ingenium illuſtre altioribus ſtudiis juvenis admodum dedit: non ut PLERIQUE, UT NOMINE MAGNIFICO SEGNE OTIUM VELARET, ſed quo firmior adverſus fortuita rempublicam capeſſeret." [*Hiſt.* IV. 5.] — Part of the fine character given us of HELVIDIUS PRISCUS.

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to keep him in humour with himſelf, and may be a means to convert a low and plodding genius to the only uſe of which it is capable. But for a man of experience in affairs, and who is qualified to ſhine in them, to hold this language, is very extraordinary.

I ſaw with what impatience he heard me, and therefore took care to add, "'Tis true, the ſtudies to which you would devote yourſelf, are the nobleſt in the world of ſcience. For *Divinity*, the very name ſpeaks its elogium. And the countenance with which his majeſty is pleaſed, in his true wiſdom, to give to *natural ſcience*, muſt be thought to enoble that branch of learning beyond all others, that are merely of human conſideration. Yet ſtill, my friend, what need of taking theſe ſtudies out of the hands of thoſe to whom they are properly entruſted? Religion is very ſafe in the boſom of the national church *. And queſtions of natural ſcience will doubtleſs be effectually cleared and ventilated in the *New Society* †, and in the ſchools of our *Univerſities*.

* It is certain many fathers of the church have been of this mind. But what if the *National Church* itſelf ſhould come into danger, and theſe fathers, as wholly unprepared, ſhould find themſelves unable to defend it? What would become of *religion* then? But the anſwer is not ſo difficult as it ſeems. For the truth is, there will generally be ſome churchman, or, as it may happen, ſome layman, that is well inſtructed in theſe matters, and will take care of them. But what encouragement, it will ſtill be aſked, for theſe ſervices? Not much, indeed, under ſuch circumſtances. But a ſenſe of duty, and the love of truth, will carry ſome men a great way. Nor can any blame, in the mean time, light on the *pious fathers*. For the drudgery of controverſy, as of prayer, is too officiouſly taken out of their hands.

† Meaning, I ſuppoſe, THE ROYAL SOCIETY; not erected, if my conjecture of the *date* of this converſation be right, till the following year, but probably agreed upon, and certainly much talked of, at this time.

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It could never be his majesty's intention to thin his court, for the sake of furnishing students in natural philosophy.

And can you then, interposed he, in your concern for what you very improperly call my interests, allow yourself to speak so coolly of the great interests of natural and divine truth? Is religion a trade to be confined to the craftsmen? Or, are fellows of colleges and of the Royal society, if such we are to have, the only persons concerned to adore God in the wonders of his creation? Pardon me, my friend; I know you mean nothing less; but the strange indifference of your phrase, provokes me to this expostulation.

You warm yourself, resumed I, too hastily. My design was only to suggest, that as there are certain orders of men appointed for the sole purpose of studying divinity, and advancing philosophy, I did not see that a man of business was obliged to desert his proper station for the sake of either.

I suspect, said he, there may be some equivocation wrapped up in that word *obliged*. All I know is, that I shall spend my time more innocently, at least; and, I presume to think, more usefully in those studies, than in that slippery *station*, if it may deserve to be called one, of court-favour and dependance. And if I extended the observation to many others that are fond to take up their residence in these quarters, I cannot believe I should do them any injustice.

I cannot tell, returned I, against whom this censure is pointed. But I know there are many of the gravest characters, and even lights and fathers of the church, who do not consider it as inconsistent, either with their duty, or the usefulness of their profession, to continue in that station.

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O! miſtake me not, replied he, I intended no reflexion on any of the clergy, and much leſs on the great prelates of the church, for their attendance in the courts of princes. Their's is properly an exempt caſe. They are the authorized guides and patterns of life. Their great abilities indeed qualify them, above all others, for ſerving the cauſe of ſcience and religion, by their private ſtudies and meditations. But they very properly conſider too, that part of their duty is to enlighten the ignorant of all ranks, by their wiſe and pious diſcourſe, and to awe and reclaim the wandring of all denominations, by their example. Hence it is, that I cannot enough admire the zeal of ſo many paſtors of the church, who, though the ſlaviſh manners and libertiniſm of a court, muſt be more than ordinarily offenſive to men of their characters, continue to diſcharge their office ſo painfully, and yet ſo punctually, in that ſituation *.

Here, my lord, obſerving my friend for once to deliver himſelf ſo reaſonably, I was encouraged to add, that, ſince he was ſo juſt to maintain the commerce of good and wiſe churchmen in the great

* How amiable is this candour! Licentious men, on the other hand, draw ſtrange concluſions. Biſhop *Burnet* tells us of lord *Rocheſter*, "That the aſpirings he had obſerved at court of ſome of the clergy, with the ſervile ways they took to attain to preferment, had made him often think they ſuſpected the things were not true, which in their ſermons and diſcourſes, they ſo earneſtly recommended." [*Some paſſages of the life and death of the earl of* Rocheſter, p. 121.] We ſee that this unhappy lord, obſerving abundance of clergymen about the court, and not penetrating the true reaſon of their attendance, fell into the uncharitable ſurmiſe, that, like his lay-acquaintance, theſe reverend perſons were there only to do their own buſineſs. — Hence the ſtill more diſhonourable concluſion of their *infidelity*.

world

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world to be, as it truly was, a matter of duty, he ſhould alſo have the candour to own, that his withdrawing from it was, at leaſt, a work of *Supererogation*.

It might be ſo, he ſaid; but though our church gave no encouragement to think we *merit* by ſuch works, he did not know that it condemned and utterly forbad them.

O! but, returned I, if that be all, and you acknowledge at laſt that your *retiring* is no matter of duty, it will be eaſy to advance another ſtep, and demonſtrate to you, that ſuch a project is, in your caſe, altogether unreaſonable * For, notwithſtanding all you have ſaid, in the ſpirit and language of ſtoiciſm, of the comforts of your preſent SITUATION, will you ſeriouſly undertake to perſuade me that they are in any degree comparable to what you might propoſe to yourſelf, by returning to a life of buſineſs? Is the littleneſs, the obſcurity, and pardon me if I even ſay, the meanneſs of this retreat, to be put in competition with the liberal and even ſplendid proviſion which your friends at court will eaſily be able to make for you? Is it nothing, my friend, (for let us talk common ſenſe, and not bewilder ourſelves with the viſions

* We have in this remonſtrance that follows, the uſual language of thoſe we call our *friends*; which may ſometimes be the *cauſe*, but is oftner the *pretence* of ambition. Hear how gravely Sir *Dudley Carlton*, who loved buſineſs, and drudged on in it all his life, is pleaſed, in an evil hour, to expreſs himſelf; "The beſt is, I was never better, and were it not more for a neceſſity that is impoſed by the EXPECTATION OF FRIENDS, not to ſtand at a ſtay and SENESCERE, whilſt a man is young, than for ambition, I would not complain myſelf of my misfortunes." [*Sir* RALPH WINWORD'S *memorials*, *Vol.* II. *p.* 45.]

of

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of philoſophy) is it nothing to live in a well furniſhed houſe, to keep a good table, to command an equipage, to have many friends and dependants, to be courted by inferiors, to be well received by the great, and to be ſomebody even in the *preſence?* And what if, in order to compaſs ſuch things, ſome little devoirs and aſſiduities are expected? Is it not the general practice? And what every body ſubmits to, can it be ignominious? Is this any thing more than conforming one's ſelf to the neceſſary ſubordination of ſociety? And what if ſome time paſſes in theſe ſervices, which a preſent humour ſuggeſts might be more agreeably ſpent in other amuſements? The recompence cannot be far off; and, in the mean time, the luſtre and very agitation of a life of buſineſs, hath ſomething in it ſprightly and amuſing. Beſides, your's is not the caſe of one that is entering for the firſt time on a courſe of expectation. Your buſineſs is half done. The prince is favourable; and there are of his miniſters that reſpect and honour you. Your ſervices are well known, your reputation is fair; your connexions great; and the ſeaſon inviting. What, with all theſe advantages, forego the court in a moping mood, or, as angry men uſe, run to moralize in a cloyſter!

I was proceeding in the warmth of this remonſtrance, when with a reproachful ſmile he turned upon me, and in a kind of rapture, repeated the following lines of SPENSER.

"Full little knoweſt thou, that haſt not tride,
What hell it is in ſuing long to bide:
To loſe good dayes that might be better ſpent;
To waſte long nights in penſive diſcontent:
To ſpeed to-day, to be put back to-morrow;
To feed on hope, to pine with fear and ſorrow;

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To have thy prince's grace, yet want his peeres *;
To have thy aſkings, yet wait many yeers †;
To fret thy ſoul with croſſes and with cares;
To eat thy hart through comfortleſse deſpaires;
To faun, to crouche, to wait, to ride, to ronne;
To ſpend, to give, to want, to be undonne.

This, ſaid he, is my anſwer once for all to your long ſtring of interrogatories. I learnt it of one that had much experience in courts. And I thought it worth imprinting on my memory, to have it in readineſs on ſuch an occaſion. Or, if you would rather have my anſwer in my own words, the Muſe ſhall oblige you with it out of a little poem ſhe dictated very lately. It may ſhew you perhaps, that, though my nature be ſomewhat melancholy, I am not *moping*; and that I can moralize, and even *complain*, as I have reaſon to do, without being *angry* *.

The

* It appears how happy Mr. *Cowley* was in *his prince's grace*, from what the king ſaid of him, on the news of his death: "*That he had not left a* BETTER *man behind him in* England." But men of this character, we are told, are *trop auſteres et difficiles*, No wonder, then, that though he wanted *his prince's grace*, he wanted *that of his peeres*.

† The application of this line is doubtleſs to the affair of the *Maſterſhip of the* Savoy; "which though granted, ſays Mr. *Wood*, to his higheſt merit by both the *Charles's* I and II. yet by certain perſons, enemies to the Muſes, he loſt that place." But this was not the worſt. For, ſuch is the hard lot of unſucceſsful men, the *Savoy-miſſing Cowley* became the object of ridicule, inſtead of pity, even to the wits themſelves; as may be ſeen in "*The ſeſſion of the poets*, amongſt *the miſcellaneous poems* publiſhed by Mr. *Dryden*."

Quid DOMINI facient, audent ſi talia FURES?

* From theſe hints, and another in the cloſe of the converſation, the poem ſpoken of muſt be that which is printed amongſt his works, under the name of THE COMPLAINT. The relation it has to the ſubject debated, made me think it not

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The look and tone of voice with which he ſaid this, a little diſconcerted me. But I preſently recovered myſelf, and was going on to object to his unreaſonable warmth, and the faſcination of this wicked poetry, when he ſtopped me with ſaying, "Come, no more of theſe remonſtrances and upbraidings. I have heard enough of your pleadings in a cauſe which no eloquence can carry againſt my firm and fixed reſolutions. I have ſeen, beſides, the force you have done to yourſelf in this mock-combat. Your extreme friendlineſs hath even tempted you to act a part which your true ſenſe, and the very decorum of your profeſſion, I have obſerved thro' all your diſguiſes, has rendered painful to you. I will tell you my whole mind in one word. No inducements of what the world calls INTEREST, no views of HONOUR, no, nor what the poet aptly calls, the SANCTISSIMA DIVITIARUM MAJESTAS *, ſhall make me recede from the purpoſe I am bent upon, of conſecrating the remainder of a comfortleſs diſtracted life, to the ſweets of this obſcure and deſpiſed retirement. Believe me, I have weighed it well, with all its inconveniencies. And I find them ſuch as are nothing to the agonies I have long felt in that troubled ſcene to which you would recal me. If it hath any ingredients which I cannot ſo well reliſh, they are ſuch as my friends, and above all, ſuch as you, my beſt friend, may reconcile to me. Let me but have the pleaſure to ſee the few I love and eſteem in theſe ſhades, and I ſhall not regret their ſolitude. And as for my much honoured friend, whoſe munificence hath placed me in them, I ſhall hope to ſatisfy him in the moſt effectual manner. Nothing, you will believe, could

not amiſs to print it at the end of this dialogue.—It muſt raiſe one's indignation to find that ſo juſt, ſo delicate, and ſo manly *a complaint* ſhould be ſcoffed at, as it was by the wits before mentioned, under the name of THE PITIFUL MELANCHOLY.

* Juvenal, *Sat.* i. ver. 112.

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give me a pain equal to that of being ſuſpected of ingratitude towards my beſt benefactor. It was indeed with the utmoſt difficulty that I conſtrained myſelf at laſt to think of leaving his ſervice. The truth is, he expoſtulated with me upon it pretty roundly; and though my reſolution was taken, I left him with the concern of not being able to give him entire ſatisfaction. Theſe repeated inſtances by you are a freſh proof of his goodneſs, and do me an honour I had little reaſon to expect from him. But his lordſhip's notions of life and mine are very different, as is fitting in perſons whom fortune hath placed in two ſuch different ſituations. It becomes me to bear the moſt grateful remembrance of his kind intentions; and for the reſt, I can aſſure myſelf, that his equity and nobleneſs of mind will permit an old ſervant to purſue, at length, his own inclinations. However, to repay his goodneſs as I can, and to teſtify all imaginable reſpect to his judgment, I have purpoſed to write my own APOLOGY to his lordſhip; and to repreſent to him in a better manner than I have done in this ſudden and upremeditated converſation, the reaſons that have determined me to this ſo unwelcome a reſolution. I have even made ſome progreſs in the deſign, and have digeſted into ſeveral *eſſays* the ſubſtance of ſuch reflexions as, at different times, have had moſt weight with me *.

* Whether it were owing to his other occupations, or that he had no great confidence in the ſucceſs of this attempt, theſe *Eſſays*, which, as he ſays, *were to give entire ſatisfaction* to his court-friend in the affair of his retirement, went on very ſlowly. They were even left imperfect at his death, "a little before which (ſays Dr. *Sprat*) he communicated [he ſhould rather, we ſee, have ſaid, *repeated*] to me his reſolutions, to have dedicated them all to my lord *St. Albans*, as a teſtimony of his entire reſpects to him; and a *kind of apology* for having left human affairs in the ſtrength of his age, while he might have been ſerviceable to his country." However, if this apology had not the *intended* effect, it had a much better. Lords Hearing

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Hearing him ſpeak in ſo determined a manner, I was diſcouraged from preſſing him further with ſuch other conſiderations as I had prepared on this argument. Only I could not help enforcing, in the warmeſt manner, and in terms your lordſhip would not allow me to uſe in this recital, what he himſelf had owned of your unexampled goodneſs to him; and the obligation which, I inſiſted, that muſt needs create in a generous mind, of paying an unreſerved obedience to your lordſhip's pleaſure. He gave me the hearing very patiently; but contented himſelf with repeating his deſign of juſtifying himſelf to your lordſhip in the apology he had before promiſed.

And now, reſumed he with an air of alacrity, ſince you know my whole mind, and that no remonſtrances can move me, confeſs the whole truth; acknowledge at laſt that you have diſſembled with me all this while, and that, in reality, you approve my reſolution. I know you do, my friend, though you ſtruggle hard to conceal it. It cannot be otherwiſe. Nature, which linked our hearts together, hath formed us in one mould. We have the ſame ſenſe of things; the ſame love of letters and of virtue. And though I would not ſolicite one of your years and your profeſſion to follow me into the ſhade, yet I know you ſo well *, that you

and wits may decide of the qualities of Mr. *Cowley's head* as they pleaſe; but as long as theſe *Eſſays* remain, they will oblige all honeſt men *to love the language of his heart.*

* This addreſs, we are to obſerve, was to the *reverend Mr. T. Sprat:* the *Doctor* and the *Biſhop* was quite another thing. And yet there were ſome hints let fall, even in this converſation, from which ſo knowing a perſon, as our poet, might have made a ſort of gueſs at the *Doctor* and *Biſhop*. But friendſhip, as they ſay of love, is blind: And, we have ſeen by a *late* inſtance of a much greater *poet*, that there is no natural ſagacity which may not be *hood-winked* by the juggling of this paſſion.

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will preſerve in the world that equal frame of mind, that indifference to all earthly things, which I pretend to have carried with me into this ſolitude. Go on, my friend, in this track; and be an example to the churchmen of our days, that the higheſt honours of the gown, which I eaſily forſee are deſtined to your abilities, are not incompatible with the ſtricteſt purity of life, and the moſt heroic ſentiments of integrity and honour. Go, and adorn the dignities which are reſerved for you; and remember only in the heights of proſperity to be what you are, to ſerve the world with vigour, yet ſo as to indulge with me

"THE GENEROUS SCORN
OF THINGS, FOR WHICH WE WERE NOT BORN *.

I began to be a little uneaſy at his long ſermon, when he broke it off with this couplet. The day by this time was pretty far advanced; and riſing from his ſeat, he propoſed to me to walk into his hermitage, (ſo he called his houſe); where he ſaid, I ſhould ſee how a philoſopher lived as well as talked. I ſtaid to dine, and ſpent a good part of the afternoon with him. We diſcourſed of various matters; but not a word more on what had occaſioned this viſit. Only he ſhewed me the *complaining poem* he had mentioned, and of which, for the pleaſure ſo fine a compoſition will give you, I here ſend your lordſhip a copy. His ſpirits, he ſaid, were enlivened by the face of an old friend; and indeed I never knew his converſation more eaſy and chearful †; which yet I could not perfectly enjoy for

* A citation from one of his own poems.

† It may ſeem at firſt ſight, as if this *chearfulneſs* had been ſolely occaſioned by *the face of his old friend*, and that otherwiſe it was not his natural humour. But this was not the ſpeaker's mind. He tells us himſelf, ſpeaking of Mr. *Cowley's* retreat, that "ſome few friends and books, a *chearful heart*, and innocent conſcience, were his conſtant companions."

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the regret the ill ſucceſs of my negociation had given me.

I returned to town in the evening, ruminating on what had paſſed, and reſolving to ſend your lordſhip an exact account of our converſation. I particularly made a point of ſuppreſſing nothing which Mr. *Cowley* had to ſay for himſelf in this debate, however it may ſometimes ſeem to make againſt me. The whole hath grown under my pen into a greater length than I expected. But your lordſhip wiſhed to know the bottom of our friend's mind, and I thought you would ſee it more diſtinctly and clearly in this way than in any other. I am, my lord, with the moſt profound reſpect,

Your Lordſhip's moſt obedient

and faithful Servant,

T. SPRAT.

THE

COMPLAINT.

IN a deep viſion's intellectual ſcene
Beneath a bow'r for ſorrow made,
Th' uncomfortable ſhade
Of the black Yew's unlucky green,
Mixt with the mourning willow's careful gray,
Where reverend CHAM cuts out his famous way,
The melancholy *Cowley* lay:
And lo! a Muſe appear'd to's cloſed ſight,
(The Muſes oft in lands of viſions play)
Bodied, arrayed, and ſeen by an internal light:

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A golden harp with ſilver ſtrings ſhe bore,
A wondrous hieroglyphic robe ſhe wore,
In which all colours, and all figures were,
That nature, or that fancy can create,
That art can never imitate;
And with looſe pride it wanton'd in the air.
In ſuch a dreſs, in ſuch a well-cloth'd dream,
She us'd of old, near fair *Iſmenus* ſtream,
Pindar her *Theban* favourite to meet;
A crown was on her head, and wings were on her feet.

II.

She touch'd him with her harp, and rais'd him from
The ſhaken ſtrings melodiouſly reſound. [the ground;
Art thou return'd at laſt, ſaid ſhe,
To this forſaken place and me?
Thou prodigal, who didſt ſo looſely waſte
Of all thy youthful years, the good eſtate;
Art thou return'd here to repent too late?
And gather huſks of learning up at laſt,
Now the rich harveſt-time of life is paſt,
And *Winter* marches on ſo faſt?
But when I meant t' adopt thee for my ſon,
And did as learn'd a portion aſſign,
As ever any of the mighty nine
Had to her deareſt children done;
When I reſolved t' exalt thy anointed name,
Among the ſpiritual lords of peaceful fame; [ſhow
Thou changeling, thou, bewitch'd with noiſe and
Would'ſt into courts and cities from me go;
Would'ſt ſee the world abroad, and have a ſhare
In all the follies, and the tumults there,
Thou would'ſt, forſooth, be ſomething in a ſtate,
And buſineſs thou would'ſt find, and would'ſt create:
Buſineſs! the frivolous pretence
Of humane luſts to ſhake off innocence:
Buſineſs; the grave impertinence:

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Buſineſs! the thing which I of all things hate,
Buſineſs! the contradiction of thy fate.

III.

Go renegado, caſt up thy account,
And ſee to what amount
Thy fooliſh gains by quitting me:
The ſale of knowledge, fame, and liberty,
The fruits of thy unlearn'd apoſtaſy.
Thou thought'ſt if once the public ſtorm were paſt,
All thy remaining life ſhould ſun-ſhine be:
Behold the public ſtorm is ſpent at laſt,
The ſovereign is toſt at ſea no more,
And thou with all the noble company,
Art got at laſt to ſhore.
But whilſt thy fellow voyagers, I ſee,
All march'd up to poſſeſs the promis'd land,
Thou ſtill alone (alas) doſt gaping ſtand
Upon the naked beach, upon the barren ſand.

IV.

As a fair morning of the bleſſed ſpring,
After a tedious ſtormy night;
Such was the glorious entry of our king,
Enriching moiſture drop'd on every thing:
Plenty he ſow'd below, and caſt about him light.
But then (alas) to thee alone,
One of old *Gideon's* miracles was ſhown
For every tree, and every herb around,
With pearly dew was crown'd,
And upon all the quickened ground,
The fruitful ſeed of heaven did brooding lye,
And nothing but the Muſes fleece was drye.
It did all other threats ſurpaſs
When God to his own people ſaid,
(The men whom thro' long wandrings he had led)
That he would give them ev'n a heav'n of braſs;
They look'd up to that heav'n in vain,

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That bounteous heav'n, which God did not reſtrain,
Upon the moſt unjuſt to ſhine and rain.

V.

The *Rachael*, for which twice ſeven years and more
Thou didſt with faith and labour ſerve,
And didſt (if faith and labour can) deſerve,
Though ſhe contracted was to thee,
Giv'n to another who had ſtore
Of fairer, and of richer wives before,
And not a *Leah* left, thy recompence to be.
Go on, twice ſeven years more thy fortune try,
Twice ſeven years more, God in his bounty may
Give thee, to fling away
Into the courts deceitful lottery.
But think how likely 'tis that thou
With the dull work of thy unwieldy plough,
Should'ſt in a hard and barren ſeaſon thrive,
Should even able be to live;
Thou, to whoſe ſhare ſo little bread did fall,
In the miraculous year, when *Manna* rain'd on all.

VI.

Thus ſpake the Muſe, and ſpake it with a ſmile,
That ſeem'd at once to pity and revile,
And to her thus raiſing his thoughtful head,
The melancholy *Cowley* ſaid:
Ah wanton foe, doſt thou upbraid
The ills which thou thyſelf haſt made?
When in the cradle, innocent I lay,
Thou, wicked ſpirit, ſtoleſt me away,
And my abuſed ſoul didſt bear
Into thy new-found worlds I know not where,
Thy golden *Indies* in the air;
And ever ſince I ſtrive in vain
My raviſhed freedom to regain:
Still I rebel, ſtill thou doſt reign,
Lo, ſtill in verſe againſt thee I complain.

There

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There is a ſort of ſtubborn weeds,
Which, if the earth but once, it ever breeds;
No wholeſome herb can near them thrive,
No uſeful plant can keep alive;
The fooliſh ſports I did on thee beſtow,
Make all my art and labour fruitleſs now;
Where once ſuch fairies dance, no graſs doth ever grow.

VII.

When my new mind had no infuſion known,
Thou gav'ſt ſo deep a tincture of thine own,
That ever ſince I vainly try
To waſh away th' inherent dye:
Long work perhaps may ſpoil thy colours quite,
But never will reduce the native white;
To all the ports of honour and of gain,
I often ſteer my courſe in vain,
Thy gale comes croſs, and drives me back again.
Thou ſlack'neſt all my nerves of induſtry,
By making them ſo oft to be
The tinkling ſtrings of thy looſe minſtrelſie.
Whoever this world's happineſs would ſee,
Muſt as entirely caſt off thee,
As they who only heaven deſire,
Do from the world retire.
This was my error, this my groſs miſtake,
Myſelf a demy-votary to make,
Thus with *Sapphira*, and her huſband's fate,
(A fault which I like them am taught too late)
For all that I gave up, I nothing gain,
And periſh for the part which I retain.

VIII.

Teach me not then, O thou fallacious Muſe,
The court, and better king t' accuſe;
The heaven under which I live is fair;
The fertile ſoil will a full harveſt bear;
Thine, thine is all the barrenneſs; if thou

Mak'ſt

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Mak'ſt me ſit ſtill and ſing, when I ſhould plough,
When I but think, how many a tedious year
Our patient ſov'raign did attend
His long misfortunes fatal end;
How chearfully, and how exempt from fear,
On the great ſovereign's will he did depend,
I ought to be accurſt, if I refuſe
To wait on his, O thou fallacious muſe!
Kings have long hands (they ſay) and though I be
So diſtant, they may reach at length to me.
However, of all princes thou
Should'ſt not reproach rewards for being ſmall or ſlow;
Thou who rewardeſt but with popular breath,
And that too after death.

DIA-

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DIALOGUE III.

ON THE

Golden Age of Queen *Eliſabeth:*

BETWEEN

The Hon. ROBERT DIGBY, Dr. ARBUTHNOT,

and Mr. ADDISON.

OCCASIONED BY

A View of KENELWORTH CASTLE, in the Year 1716.

Relliquias veterumque vides monimenta virorum.

VIRG.

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HÆC GENERA VIRTUTUM non ſolum in moribus noſtris, ſed vix jam in libris reperiuntur : Chartæ quoque, quæ illam priſtinam ſeveritatem continebant, obſoleverunt.

CICERO.

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DIALOGUE III.

Mr. DIGBY, Dr. ARBUTHNOT, Mr. ADDISON *.

IT happened, in the ſummer of the year 1716, that Dr. *Arbuthnot* and Mr. *Addiſon* had occaſion to take a journey together into *Warwickſhire*. Mr. *Digby*, who had received intelligence of their motions, contrived to give them the meeting at *Warwick*; where they intended to paſs a day or two, in viſiting the curioſities of that fine town, and the more remarkable of thoſe remains of antiquity that are to be ſeen in its neighbourhood. Theſe were matter of high entertainment to all of them; to Dr. *Arbuthnot*, for the pleaſure he had in recollecting the antient times; to Mr. *Addiſon*, on account of ſome reflexions of an-

* Beſides the curioſity of the matter debated in the two following Dialogues, there is a farther circumſtance to recommend them, that they were written, as I think we are to conclude, by the Hon. ROBERT DIGBY. This appears from ſome internal marks, which the attentive reader will obſerve; but chiefly from the little reſemblance the ſtyle of the dialogue has to that of the other two ſpeakers. The length and particularity of the recital may give occaſion to ſuſpect, that it was drawn up with ſome liberty in the *form*, tho', doubtleſs, with great exactneſs as to the *ſubſtance* of the converſation.—All we knew before of the ingenious writer, was from the few letters of his extant in *Pope's* works; which, together with the eſteem had of him by that excellent perſon, ſpeak, indeed, very ſtrongly in his favour.

other

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other kind he was fond of indulging on ſuch occaſions; and to Mr. *Digby*, from a mere motive of curioſity, and the love of ſeeing and obſerving whatever was moſt remarkable, whether in the paſt ages, or the preſent.

Amongſt other things that amuſed them, they were much taken with the great church at *Warwick*. They entertained themſelves with the ſeveral hiſtories, which ſo many old monuments recalled to their memory *. The famous inſcription of Sir FULK GREVIL occaſioned many reflexions; eſpecially to Mr. DIGBY, who had uſed to be much affected with the fame and fortunes of the accompliſhed Sir PHILIP SYDNEY. The glory of the houſe of WARWICK was alſo an ample field of meditation. But what chanced to take their attention moſt, was the monument of the great earl of LEICESTER. It recorded his titles at full length, and was, beſides, richly decorated with ſculpture, diſplaying the various enſigns and trophies of his greatneſs. The pride of this miniſter had never appeared to them ſo conſpicuous, as in the legends and ornaments of his tomb-ſtone; which had not only outlived his family, but ſeemed to aſſure itſelf of immortality, by taking refuge, as it were, at the foot of the altar. Theſe funeral honours engaged them in ſome common reflexions on the folly of ſuch expedients to perpetuate human grandeur; but at the ſame time, as is the uſual effect of theſe things, ſtruck their imaginations very ſtrongly. They readily apprehended what muſt have been the ſtate of this mighty favourite in his life-time, from what they ſaw of it in this proud memorial, which continued in a manner to inſult poſterity ſo many years after his death. But underſtanding that the fragments at leaſt of his ſupreme

* For the account of theſe *Monuments*, and of *Kenelworth-Caſtle*, ſee the plans and deſcriptions of *Dugdale*.

glory

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glory, when it was flouriſhing at its height, were ſtill to be ſeen at KENELWORTH, which they knew could be at no great diſtance, they reſolved to viſit them the next day, and indulge to the utmoſt the ſeveral reflexions which ſuch ſcenes are apt to inſpire. On inquiry they found it was not more than five or ſix miles to the caſtle; ſo that by ſtarting early in the morning, they might eaſily return to dinner at *Warwick*. They kept to their appointment ſo well, that they got to *Kenelworth* in good time, and had even two or three hours on their hands to ſpend, in taking an exact view of the place.

It was luckily one of thoſe fine days, which our travellers would moſt have wiſhed for, and which indeed are moſt agreeable in this ſeaſon; it was clear enough to afford a diſtinct proſpect of the country, and to ſet the objects they wanted to take a view of in a good light, and yet was ſo conveniently clouded as to check the heat of the ſun, and make the exerciſe of walking, of which they were likely to have a good deal, perfectly eaſy to them.

When they alighted from the coach, the firſt object that preſented itſelf, was the principal GATEWAY of the Caſtle. It had been converted into a farm-houſe, and was indeed the only part of theſe vaſt ruins that was inhabited. On their entrance into the *Inner-court*, they were ſtruck with the ſight of many mouldring towers, which preſerved a ſort of magnificence even in their ruins. They amuſed themſelves with obſerving the vaſt compaſs of the whole, with marking the uſes, and tracing the dimenſions of the ſeveral parts. All which it was eaſy for them to do by the very diſtinct traces that remained of them, and eſpecially by means of *Dugdale's* plans and deſcriptions, which they had taken care to conſult. After rambling about for ſome time, they clambered up a heap of ruins, which lay on the weſt ſide the court: and thence came to a broken

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ken tower, which, when they had mounted ſome ſteps, let them out into a path-way on the tops of the walls. From this eminence they had a very diſtinct view of the ſeveral parts they had before contemplated; of the *Gardens* on the north-ſide; of the *Winding Meadow* that encompaſſed the walls of the caſtle, on the weſt and ſouth; and had, beſides, the command of the country round about them for many miles. There was ſomething ſo auguſt in the mingled proſpect of ſo many antique towers falling into rubbiſh, and in the various beauties of the landſkape, that they were all of them, as it were, ſuſpended in admiration, and continued ſilent for ſome time.

At length recovering himſelf, I perceive, ſaid Dr. *Arbuthnot*, we are all of us not a little affected with the ſight of theſe ruins. They even create a melancholy in me; and yet a melancholy of ſo delightful a kind, that I would not exchange it, methinks, for any briſker ſenſation. The experience of this effect hath often led me to inquire, how it is that the mind, even while it laments, finds ſo great a pleaſure in viſiting theſe ſcenes of deſolation. Is it, continued he, from the pure love of antiquity, and the amuſing train of reflexions into which ſuch remains of ancient magnificence naturally lead us?

I know not, returned Mr. *Addiſon*, what pain it may give you to contemplate theſe triumphs of time and fortune. For my part, I am not ſenſible of the mixt ſenſation you ſpeak of. I feel a pleaſure indeed; but it is ſincere, and, as I conceive, may be eaſily accounted for. 'Tis nothing more, I believe, than a fiction of the imagination, which makes me think I am taking a revenge on the once proſperous and overſhadowing height, PRÆUMBRANS FASTIGIUM, as ſomebody expreſſes it, of inordinate Greatneſs. It is cer-

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tain, continued he, this theatre of a great ſtateſman's pride, the delight of many of our princes, and which boaſts of having given entertainment to one of them in a manner ſo ſplendid, as to claim a remembrance, even in the annals of our country, would now, in its preſent ſtate, adminiſter ample matter for much inſulting reflexion. "Where, one might aſk, are the tilts and tournaments, the princely ſhews and ſports which were once ſo proudly celebrated within theſe walls? where are the pageants, the ſtudied devices and emblems of curious invention, that ſet the court at a gaze and even tranſported the high ſoul of our ELIZABETH? where now, purſued he (pointing to that which was formerly a canal, but at preſent is only a meadow with a ſmall rivulet running through it) where is the floating iſland, the blaze of torches that eclipſed the day, the lady of the lake, the ſilken nymphs her attendants, with all the other fantaſtic exhibitions ſurpaſſing even the whimſies of the wildeſt romance? what now is become of the revelry of feaſting? of the minſtrelſy, that took the ear ſo delightfully as it babbled along the valley, or floated on the ſurface of this lake? ſee there the ſmokeleſs kitchens, ſtretching to a length that might give room for the ſacrifice of a hecatomb; the vaulted hall, which mirth and jollity have ſet ſo often in an uproar; the rooms of ſtate, and the preſence-chamber; what are they now but void and tenantleſs ruins, claſped with ivy, open to wind and weather, and preſenting to the eye nothing but the ribs and carcaſe, as it were, of their former ſtate? And ſee, ſaid he, that proud gate-way, once the manſion of a ſurly porter *, who,

* The ſpeaker's idea of lord LEICESTER's porter agrees very well with the character he ſuſtained on the queen's reception at *Kenelworth*; as we find it deſcribed in a paper of good authority written at that time. "Here a PORTER, tall of perſon, big of limbs, ſtark of countenance — with

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partaking of the pride of his lord, made the crouds wait, and refuſed admittance, perhaps, to nobles whom fear or intereſt drew to theſe walls, to pay their homage to their maſter; ſee it now the reſidence of a poor and humble tenant, who turns the key but to let himſelf out to his daily labour, to admit him to a ſhort meal, and ſecure his nightly ſlumbers. All is ſolitude and ſilence. No voice of ſuitors to be heard. No hand ſollicits the brazen knocker, which diſuſe and ruſt have long ſince diſabled for its functions. Yet, by a ſtrange reverſe of fortune, this threſhold of ſtate, this remoteſt outwork of greatneſs hath outlived the glory of the reſt, and hath even drawn to itſelf the whole of that little note and credit which time hath continued to this once pompous building. For while the reſt of it is crumbled into ſhapeleſs ruins, and is prophaned, as we there ſee, by the vileſt uſes, this remnant is left entire, ſheltered and cloſed in from bird and beaſt, and even affords ſome decent room in which the *human face divine* is not aſhamed to ſhew itſelf."

While Mr. *Addiſon* went on in this vein, his two friends ſtood looking at each other; as not con-

club and keys of quantity according; in a rough ſpeech, full of paſſion in metre, while the queen came within his ward, burſt out in a great pang of impatience to ſee ſuch uncouth trudging to and fro, ſuch riding in and out, with ſuch din and noiſe of talk, within his charge; whereof he never ſaw the like, nor had any warning once, ne yet could make to himſelf any cauſe of the matter. At laſt, upon better view and advertiſement, he proclaims open gates and free paſſage to all; yields over his club, his keys, his office and all, and on his knees humbly prays pardon of his ignorance and impatience. Which her highneſs graciouſly granting, *&c.*"—

A letter from an attendant in court to his friend a citizen and merchant of *London*. From the court, at *Worceſter*, 20 *Aug.* 1575.

ceiving

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ceiving what might be the cauſe of his expreſſing himſelf with ſo uncommon a vehemence. When the fit was over, I confeſs, ſaid Dr. *Arbuthnot*, this is no bad topic for a moraliſt to declaim upon. And, though it be a trite one, we know how capable it is of being adorned by him who, on a late occaſion, could meditate ſo finely on the TOMBS AT WESTMINSTER *. But ſurely, proceeded he, you warm yourſelf in this contemplation, beyond what the ſubject requires of you. The vanity of human greatneſs is ſeen in ſo many inſtances, that I wonder to hear you harangue on this with ſo peculiar an exultation. There is no travelling ten miles together in any part of the kingdom without ſtumbling on ſome ruin, which, though perhaps not ſo conſiderable as this before us, would furniſh occaſion, however, for the ſame reflexions. There would be no end of moralizing over every broken tower, or ſhattered fabric, which calls to mind the ſhort-lived glories of our anceſtors.

True, ſaid Mr. *Addiſon*; and, if the ſhort continuance of theſe glories were the only circumſtance, I might well have ſpared the exultation, you ſpeak of, in this triumph over the ſhattered remnants of *Kenelworth*. But there is ſomething elſe that fires me on the occaſion. It brings to mind the fraud, the rapine, the inſolence of the potent miniſter who vainly thought to immortalize his ill-gotten glory by this proud monument. Nay, further, it awakens an indignation againſt the proſperous tyranny of thoſe wretched times, and creates a generous pleaſure in reflecting on the happineſs we enjoy under a juſter and more equal government. Believe me, I never ſee the remains of that greatneſs which aroſe in the paſt ages on the ruins of public freedom and private

* In the 1ſt Vol. of the SPECTATOR.

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property, but I congratulate with myſelf on living at a time, when the meaneſt ſubject is as free and independent as thoſe royal minions; and when his property, whatever it be, is as ſecure from oppreſſion as that of the firſt miniſter. And I own this congratulation is not the leſs ſincere for conſidering that the inſtance before us is taken from the reign of the virgin queen, which it hath been the faſhion to cry up above that of any other of our princes *. I deſire no other confutation of ſo ſtrange unthankful a preference, than the ſight of this vaſt caſtle, together with the recollection of thoſe means by which its maſter arrived at his enormous greatneſs.

Your indignation then, replied Dr. *Arbuthnot*, is not ſo much of the moral, as political kind. But is not the concluſion a little too haſty, when, from the inſtance of one over-grown favourite, you infer the general infelicity of the time in which he flouriſhed? I am not, I aſſure you, one of thoſe unthankful men who forget the bleſſings they enjoy under a prince of more juſtice and moderation than queen *Elizabeth*, and under a better conſtitution of government than prevailed in the days of our forefathers. Yet, ſetting aſide ſome particular diſhonours of that reign (of which, let the tyranny of *Leiceſter*, if you will, be one) I ſee not but the acknowledged virtues of that princeſs, and the wiſdom of her government may be a proper foundation for all the honours that poſterity have ever paid to her.

* From the acrimony, with which the ſpeaker here and elſewhere in theſe dialogues, condemns the humour of magnifying the character of *Elizabeth*, one would almoſt imagine he had foreſeen, by a kind of political divination, the factious uſe, that was one day to be made of this argument. See the *Craftſman*, and *Remarks on the hiſtory of England*.

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Were I even diſpoſed to agree with you, returned Mr. *Addiſon*, I ſhould not have the leſs reaſon for triumphing as I do on the preſent ſtate of our government. For, if ſuch abuſes could creep in, and be ſuffered for ſo many years under ſo great a princeſs, what was there not to fear (as what, indeed, did not the ſubject actually feel) under ſome of her ſucceſſors? But to ſpeak my mind frankly, I ſee no ſufficient grounds for the exceſſive prejudice that hath ſomehow taken place in favour of the GOLDEN REIGN, as it is called, OF ELIZABETH. I find neither the wiſdom, nor the virtue in it, that can entitle it to a preference before all other ages.

On the contrary, ſaid Dr. *Arbuthnot*, I never contemplate the monuments of that time, without a ſilent admiration of the virtues that adorned it. Heroes and ſages croud in upon my memory. Nay, the very people were of a character above what we are acquainted with in our days. I could almoſt fancy, the ſoil itſelf wore another face, and, as you poets imagine, on ſome occaſions, that our anceſtors lived under a brighter ſun and happier climate than we can boaſt of.

To be ſure, ſaid Mr. *Addiſon* ſmiling; or, why not affirm, in the proper language of romance, that the women of thoſe days were all chaſte, and the men valiant? But can't you ſuſpect at leaſt that there is ſome inchantment in the caſe, and that your love of antiquity may poſſibly operate in more inſtances than thoſe of your favourite *Greeks* and *Romans?* Tell me honeſtly, purſued he, hath not this diſtance of a century and half a little impoſed upon you? do not theſe broken towers, which moved you juſt now to ſo compaſſionate a lamentation over them, diſpoſe you to a greater fondneſs for the times, in which they aroſe, than can be fairly juſtified?

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I will not deny, returned Dr. *Arbuthnot*, but we are often very generous to the paſt times, and unjuſt enough to the preſent. But I think there is little of this illuſion in the caſe before us. And ſince you call my attention to theſe noble ruins, let me own to you that they do indeed excite in me a veneration for the times, of which they preſent ſo ſtriking a memorial. But ſurely not without reaſon. For there is ſcarce an object in view that doth not revive the memory of ſome diſtinguiſhing character of that age, which may juſtify ſuch veneration.

Alas, interrupted Mr. *Addiſon*, and what can theſe objects call to mind but the memory of barbarous manners and a deſpotic government?

For the *government*, replied Dr. *Arbuthnot*, I do not well conceive how any concluſion about that can be drawn from this fabric. The MANNERS I was thinking of; and I ſee them ſtrongly expreſſed in many parts of it. But whether barbarous or not, I could almoſt take upon me to diſpute with you. And why indeed, ſince you allowed yourſelf to declaim on the vices, ſo apparent, as you ſuppoſe, in this monument of antiquity, may not I have leave to conſider it in another point of view, and preſent to you the virtues which to my eye, at leaſt, are full as diſcernible?

You cannot, continued he, turn your eyes on any part of theſe ruins, without encountering ſome memorial of the virtue, induſtry, or ingenuity of our anceſtors.

Look there, ſaid he, on that fine room (pointing to the HALL, that lay juſt beneath them) and tell me if you can help reſpecting the HOSPITALITY which ſo much diſtinguiſhed the palaces of the great in thoſe

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thoſe ſimpler ages. You gave an invidious turn to this circumſtance, when you choſe to conſider it only in the light of waſteful expence and prodigality. But no virtue is privileged from an ill name. And on ſecond thoughts I perſuade myſelf it will appear you have injured this, by ſo uncandid an appellation. Can it deſerve this cenſure, that the lord of this princely caſtle threw open his doors and ſpread his table for the reception of his friends, his followers, and even for the royal entertainment of his ſovereign? Is any expence more proper than that which tends to conciliate * friendſhips, ſpread the intereſts of ſociety, and knit mankind together by a generous communication in theſe advantages of wealth and fortune? The arts of a refined ſequeſtered luxury were then unknown. The ſame bell that called the great man to his table, invited the neighbourhood all around, and proclaimed a holiday to the whole country †. Who does not feel the decorum, and underſtand the benefits of this magnificence? the preeminence of rank and fortune was nobly ſuſtained: the ſubordination of ſociety preſerved: and yet the

* It is remarkable that *Lucian* uſes the ſame expreſſion—ΦΙΛΙΑΣ ΜΕΣΙΤΗΝ ΤΡΑΠΕΖΑΝ. Ἔρωτες, c. 27.

† Beſides this ſort of hoſpitality, there was another ſtill more noble and diſintereſted, which diſtinguiſhed the early times, eſpecially the purer ages of chivalry. It was cuſtomary, it ſeems, for the great lords to fix up HELMETS on the roofs and battlements of their caſtles as a ſignal of hoſpitality to all adventurers and noble paſſengers. "Adoncques etoit une couſtume en la grant Bretagne (ſays the author of the old romance, called PERCEFOREST) et fut tant que charité regna illecque, tous gentils hommes et nôbles dames faiſoient mettre au plus hault de leur hoſtel ung heaulme, en SIGNE que tous gentils hommes et gentilles femmes treſpaſſans les chemins, entraſſent hardyement en leur hoſtel comme en leur propre; car leurs biens eſtoient davantage à tous nobles hommes et femmes treſpaſſans le royaulme." Vol. iii. f. 103.

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envy, that is so apt to attend the great, happily avoided. Hence the weight and influence of the old nobility, who engaged the love, at the same time they commanded the veneration of the people. In the mean time rural industry flourished: private luxury was discouraged: and in both ways that frugal simplicity of life, our country's grace and ornament in those days, was preserved and promoted.

It would spoil your panegyric, I doubt, said Mr. *Addison*, to observe the factious use that was made of this magnificence, and the tendency it had to support the pride and insolence of the old nobility. The interest of the great, I am afraid, was but another name for the slavery of the people.

I see it, Dr. *Arbuthnot* said, in a different light; and so did our princes themselves, who could not but be well informed of the proper effects of that interest. They considered the weight of the nobility as a counterpoise to their own sovereignty. It was on this account they had used all means to lessen their influence. But the consequence was beside their expectation. The authority of the crown fell with it: and, which was still less expected by political men, the liberty of the people, after it had wantoned for a time, sunk under the general oppression. It was then discovered, but a little of the latest, that public freedom throve best when it wound itself about the stock of the antient nobility. In truth, it was the defect, not the excess of patrician influence that made way for the miseries of the next century.

You see then it is not without cause that I lay a stress, even in a political view, on this popular hospitality of the great in the former ages *.

* A famous politician of the last century expresseth himself to much the same purpose, after his manner. "Hence-

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But, leſt you think I ſit too long at the table, let us go on to the TILTYARD, which lies juſt before us; that ſchool of fortitude and honour to our generous forefathers. A younger fancy, than mine, would be apt to kindle at the ſight. And our ſprightlier friend here, I dare ſay, has already taken fire at the remembrance of the gallant exerciſes which were celebrated in that quarter.

Mr. *Digby* owned, he had a ſecret veneration for the manly games of that time, which he had ſeen ſo triumphantly ſet forth in the old poets and romancers.

Right, ſaid Mr. *Addiſon*; it is preciſely in that circumſtance that the enchantment conſiſts. Some of our beſt wits have taken a deal of idle pains to ennoble a very barbarous entertainment, and recommend it to us under the ſpecious name of gallantry and honour. But Mr. *Digby* ſees through the cheat. Not that I doubt, continued he, but the doctor, now he is in the vein of panegyric, will lay a mighty ſtreſs on theſe barbarities; and perhaps compare them with the exerciſes in the *Roman* Circus, or the *Olympic* Barriers.

And why not? interrupted Dr. *Arbuthnot*. The tendency of all three was the ſame; to invigorate the faculties both of mind and body; to give ſtrength,

forth, ſays he [that is, after the ſtatutes againſt retainers in *Hen.* VII's reign] the country lives, and *great tables* of the nobility, which no longer nouriſhed veins that would bleed for them, were fruitleſs and loathſome till they changed the air, and of princes became *courtiers*; where their revenues, never to have been exhauſted by beef and mutton, were found *narrow*; whence followed racking of rents, and at length, ſale of lands." SIR JAMES HARRINGTON's OCEANA, p. 40. *Lond.* 1656.

grace,

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grace, and dexterity to the limbs; and fire the mind with a generous emulation of the manly and martial virtues.

Why truly, ſaid Mr. *Addiſon*, I ſhall not deny that all *three*, as you obſerve, were much of the ſame merit. And now your hand is in for this ſort of encomium, do not forget to celebrate the ſublime taſte of our forefathers for *bear-baiting* *, as well as *tilting*; and tell us too, how glorioufly the mob of thoſe days, as well as their betters, uſed to belabour one another.

* True it is, that this divertiſement of *bear-baiting* was not altogether unknown in the age of *Elizabeth*, and, as it ſeemeth, not much miſliked of maſter STOW himſelf, who hath very graphically deſcribed it. He is ſpeaking of the *Daniſh* embaſſador's reception and entertainment at *Greenwich* in 1586. "As the better ſort, ſaith he, had their convenient diſports, ſo were not the ordinary people excluded from competent pleaſure. For, upon a green, very ſpacious and large, where thouſands might ſtand and behold with good contentment, there BEAR-BAITING and bull-baiting (tempered with other merry diſports) were exhibited; whereat it cannot be ſpoken of what pleaſure the people took.

For it was a ſport alone, of theſe beaſts, continueth the hiſtorian, to ſee the bear with his pink eyes leering after his enemies; the nimbleneſs and wait of the dog to take his advantage; and the force and experience of the bear again to avoid the aſſaults: if he were bitten in one place, how he would pinch in another to get free; and if he were once taken, then what ſhift with biting, clawing, roring, tugging, graſping, tumbling, and toſſing, he would work to wind himſelf away; and, when he was looſe, to ſhake his ears with the blood and ſlaver about his phiſnomy, was a pittance of good relief. The like paſtime alſo of the bull.—And now the day being far ſpent, and the ſun in his declination, the embaſſador withdrew to his lodging by barge to *Croſby's* place; where, no doubt, THIS DAY'S SOLEMNITY WAS THOUGHT UPON AND TALKED OF"—p. 1562.

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I confeſs, ſaid Dr. *Arbuthnot*, the ſoftneſs of our manners makes it difficult to ſpeak on this ſubject without incurring the ridicule you appear ſo willing to employ againſt me. But you muſt not think to banter me out of my good opinion of theſe gymnaſtics by a little raillery, which has its foundation only in modern prejudices. For it is no ſecret, that the graveſt and politeſt men of antiquity were of my mind. You will hardly ſuſpect *Plato* of incivility, either in his notions or manners. And need I remind you how much he inſiſts on the gymnaſtic diſcipline? without which he could not have formed, or at leaſt have ſupported his republic.

It was upon this principle, I ſuppoſe then, ſaid Mr. *Digby*, or perhaps in imitation of his *Græcian* maſter, that our MILTON laid ſo great a ſtreſs on this diſcipline in his TRACTATE OF EDUCATION. And before him in the very time you ſpeak of, ASCHAM, I obſerve, took no ſmall pains to much the ſame purpoſe, in his TOXOPHILUS.

It is very clear, reſumed Dr. *Arbuthnot*, from theſe inſtances, and many more that might be given, that the antients were not ſingular in their notions on this ſubject. But ſince you have drawn me into a grave defence of theſe exerciſes, let me further own to you that I think the *Gothic* Tilts and Tournaments exceeded, both in uſe and elegance, even the *Græcian* gymnaſtics. They were a more direct image of war, than any of the games at *Olympia*. And if *Xenophon* could be ſo laviſh in his praiſes on the *Perſian* practice of hunting, becauſe it had ſome reſemblance to the exerciſe of arms, what would he not have ſaid of an inſtitution, which has all the forms of a real combat? But there was an elegance, too, in the conduct of the tournament, that might reconcile it even to modern delicacy. For, beſides the ſplendor of the

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the ſhew; the dexterity with which theſe exerciſes were performed; and the fancy that appeared in their accoutrement, dreſſes, and devices; the whole conteſt was enobled with an air of gallantry that muſt have had a great effect in refining the manners of the combatants. And yet this gallantry had no ill influence on morals; for, as you inſulted me juſt now, it was the odd humour of thoſe days for the women to pride themſelves in their chaſtity *, as well as the men in their valour.

In ſhort, I conſider the *Tournay*, as the beſt ſchool of civility as well as heroiſm. "High-erected thoughts, ſeated in a heart of courteſy," as an old writer well expreſſes it, was the proper character of ſuch as had been trained in this diſcipline.

No wonder then, purſued he, the old poets and romance-writers took ſo much pains to immortalize theſe trials of manhood. It was but what *Pindar* and *Homer* himſelf, thoſe old maſters of romance, had done before them. And how could it be otherwiſe? the ſhew itſelf, as I ſaid, had ſomething very taking in it; whilſt every graceful attitude of perſon, with every generous movement of the mind, afforded the fineſt materials for deſcription. And I am even ready to believe that what we hear cenſured in their writings, as falſe, incredible, and fantaſtic, was frequently but a juſt copy of life, and that there was

* If the reader be complaiſant enough to admit the fact, it may be accounted for, on the ideas of chivalry, in the following manner. The knight forfeited all pretenſions to the favour of the ladies, if he failed, in any degree, in the point of valour. And, reciprocally, the claim which the ladies had to protection and courteſy from the order of knights, was founded ſingly in the reputation of chaſtity, which was the female point of honour. "Ce droit que les dames avoient ſur la chevalerie (ſays M. DE LA CURNE DE STE. more

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more of truth and reality * in their repreſentations, than we are apt to imagine. Their notions of honour and gallantry were carried to an elevation †, which, in theſe degenerate days, hurts the credit of their ſtory; juſt as I have met with men that have

PALAYE) devoit être conditionel: il ſuppoſoit que leur conduite et leur reputation ne les rendoient point indignes de l'eſpece d'aſſociation qui les uniſſoit à cet ordre uniquement fondé ſur l'honneur.

Par celle voye (ſays an old *French* writer, the chevalier DE LA TOUR, about the year 1371) les bonnes ſe craignoient et ſe tenoient plus fermes de faire choſe dont elles peuſſent perdre leur honneur et leur etat. *Si vouldroye que celui temps fuſt revenu, car je penſe qu'il n'en ſeroit pas tant de blaſmées comme il eſt à preſent.*

* The extent and accuracy of Dr. *Arbuthnot's* learning are here worth obſerving. What he hints at, in paſſing, of the *reality* of theſe repreſentations, hath been lately ſhewn at large in a learned memoir on this ſubject, which the reader will find in the XX^th^ Tom. of HIST. DE L'ACAD. DES INSCRIPTIONS ET BELLES LETTRES.

† This repreſentation of things in the ages of chivalry, agrees very well with what we are told by the author of the memoir, juſt quoted. "Les premières leçons, (ſays he, "ſpeaking of the manner in which the youth were educated "in the houſes of the Great, which were properly the ſchools of thoſe times) "qu'on leur donnoit, regardoient principalement *l'amour de dieu, et des dames*, c'eſt-à-dire, la religion, et la galanterie. Mais autant la dévotion qu'on leur inſpiroit étoit accompagnée de puerilités et de ſuperſtitions, autant l'amour des dames, qu'on leur recommandoit, étoit il rempli de RAFFINEMENT et de FANATISME. Il ſemble qu'on ne pouvoit, dans ces ſiécles ignorans et groſſiers, préſenter aux hommes la religion ſous une forme aſſez materielle pour la mettre à leur portée; ni leur donner, en même tems, une idée de l'amour aſſez pure, aſſez metaphyſique, pour prevenir les deſordres et les excès, dont etoit capable une nation qui conſervoit par-tout le caractere impetueux qu'elle montroit à la guerre." Tom. XX. p. 600.

One ſees then the origin of that furious gallantry which runs through the old romances. And ſo long as doubted

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doubted whether the virtues of the REGULI and the SCIPIOS of antient fame were not the offspring of pure fancy.

Nay now, Dr. *Arbuthnot*, ſaid Mr. *Addiſon*, you grow quite extravagant. What you, who are uſed to be ſo quick at eſpying all abuſes in ſcience, and defects in good taſte, turn advocate for theſe fopperies! Mr. *Digby* and I ſhall begin to think you banter us, in this apology for the antient gymnaſtics, and are

the *refinement and fanaticiſm*, which the writer ſpeaks of, were kept in full vigour by the force of inſtitution and the faſhion of the times, the morals of theſe courteous knights might, for any thing I know, be as pure as their apologiſt repreſents them. At the ſame time it muſt be confeſſed that this diſcipline was of a nature very likely to relax itſelf under another ſtate of things, and certainly to be miſconſtrued by thoſe who ſhould come to look upon theſe pictures of a *refined and ſpiritual paſſion*, as incredible and fantaſtick. And hence, no doubt, we are to account for that cenſure which a famous writer, and one of the ornaments of *Elizabeth's* own age, paſſeth on the old books of chivalry. His words are theſe: "In our fathers time nothing was red but books of chivalry, wherein a man, by reading, ſhould be led to none other end, but only to *manſlaughter* and *baudrye*. If any man ſuppoſe they were good enough to paſs the time withall, he is deceived. For ſurely vain words do work no ſmall thing in vain, ignorant, and young minds, eſpecially if they be given any thing thereunto of their own nature." He adds, like a good proteſtant, "Theſe books, as I have heard ſay, were made the moſt part in abbayes and monaſteries; a very likely and fit fruit of ſuch an idle and blind kind of living."

Præf. to ASCHAM'S TOXOPHILUS, 1571.

I thought it but juſt to ſet down this cenſure of Mr. *Aſcham* over-againſt the candid repreſentation of the *French* memorialiſt. — However, what is ſaid of the influence which this ancient inſtitution had on the character of his countrymen, is not to be diſputed. "Les preceptes d'amour repandoient dans le commerce des dames ces conſiderations et ces egards

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only preparing a chapter for the facetious memoirs*, you ſometimes promiſe us.

Never more in earneſt, I aſſure you, replied the doctor. I know what you have to object to theſe pictures of life and manners. But if they will not bear examining as copies, they may deſerve to be imitated, as models. And their uſe, methinks, might attone for ſome defects in the article of probability.

For my part, I conſider the legends of antient chivalry in a very ſerious light,

> As *Niches*, fill'd with ſtatues, to invite
> Young valours forth—†.

As *Ben Johnſon*, a valorous hardy poet, and who, himſelf, would have made a good knight-errant, juſtly ſays of them. For it is certain, they had this effect. The youth, in general, were fired with the love of martial exerciſes. They were early formed to habits of fatigue and enterprize. And, together with this warlike ſpirit, the profeſſion of chivalry obliged to every other virtue that is the ornament of humanity. Affability, courteſy, generoſity, veracity, theſe were the qualifications moſt pretended to by the men of arms, in the days of pure and uncorrupted chivalry. We do not perhaps, ourſelves, know, at this diſtance of time, how much we are indebted to the force of this ſingular inſtitution. But this I may preſume to

reſpectueux, qui n'ayant jamais été effacés de l'eſprit des François, ont toujours fait un des caracteres diſtinctifs de nôtre nation."

* I ſuppoſe, of SCRIBLERUS. And notwithſtanding the doctor's ſerious air in this converſation, the deſign, imputed to him, ſeems to have been executed. See the VI^th^ chapter of that learned work, *On the antient Gymnaſtics.*

† MASQUES, p. 181. *Whalley's* Edition.

ſay,

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ſay, that the men, among whom it aroſe and flouriſhed moſt, had prodigious obligations to it. No policy, even of an antient legiſlator, could have contrived a better expedient to cultivate the manners and tame the ſpirits of a rude and ignorant people. I could almoſt fancy it providentially introduced among the northern nations, to break the fierceneſs of their natures, and prevent that brutal ſavageneſs and ferocity of character, which were otherwiſe to have been expected in the dark ages.

Nay, the generous ſentiments, it inſpired, perhaps contributed very much to awaken an emulation of a different kind; and to bring on thoſe days of light and knowledge which have diſpoſed us, ſomewhat unthankfully, to vilify and defame it. This is certain, that the firſt eſſays of wit and poetry, thoſe harbingers of returning day to every ſpecies of good letters, were made in the boſom of chivalry, and amidſt the aſſemblies of noble dames, and courteous knights. And we may even obſerve, that the beſt of our modern princes, ſuch as have been moſt admired for their perſonal virtues, and have been moſt concerned in reſtoring all the arts of civility and politeneſs, have been paſſionately addicted to the feats of antient proweſs. In the number of theſe, need I remind you of the courts of FRANCIS I, and HENRY IV, to ſay nothing of our own EDWARDS and HENRYS, and that mirrour of all their virtues in one, our renowned and almoſt romantic * ELIZABETH.

* This romantick ſpirit of the Queen may be ſeen as well in her *amours*, as military atchievements. "Ambiri, coli ob formam, et AMORIBUS, etiam inclinatâ jam ætate, videri voluit; de FABULOSIS INSULIS per illam relaxationem renovatâ quaſi memoriâ in quibus EQUITES AC STRENUI HOMINES ERRABANT, et AMORES, fœditate omni prohi-

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But you think I puſh the argument too far. And leſs than this may diſpoſe you to conceive with reverence of the ſcene before us, which muſt ever be

bitâ, generosè per VIRTUTEM exercebant."

THUANI HIST. tom. vi. p. 172.

The obſervation of the great hiſtorian is confirmed by FRANCIS OSBORNE, Eſq. who, ſpeaking of a contrivance of the *Cecilian* party to ruin the earl of *Eſſex*, by giving him a rival in the good graces of the queen, obſerves — "But the whole reſult concluding in a duel, did rather inflame than abate the former account ſhe made of him: the opinion of a CHAMPION being more ſplendid (in the weak and romantic ſenſe of women, that admit of nothing fit to be made the object of a quarrel but themſelves) and far above that of a captain or general. So as Sir EDMUND CARY, brother to the lord *Hunſden*, then chamberlain and near kinſman to the Queen, told me, that, though ſhe chid them both, nothing pleaſed her better than a conceit ſhe had, that her *beauty* was the ſubject of this quarrel, when, God knows, it grew from the ſtock of honour, of which then they wre very tender."——MEM. OF Q. ELIZABETH, p. 456.

But nothing ſhews the romantic diſpoſition of the Queen, and indeed of her times, more evidently than the TRIUMPH, as it was called; deviſed and performed with great ſolemnity, in honour of the *French* commiſſioners in 1581. The contrivance was for four of her principal courtiers, under the quaint appellation of "four foſter-children of DESIRE," to beſiege and carry by dint of arms, "THE FORTRESS OF BEAUTY; intending, by this courtly ænigma, nothing leſs than the queen's majeſty's own perſon.—The actors in this famous triumph, were, the earl of ARUNDEL, the lord WINDSOR, maſter PHILIP SIDNEY, and maſter FULK GREVIL." And the whole was conducted ſo entirely in the ſpirit and language of knight errantry, that nothing in the Arcadia itſelf is more romantic. See the account at large in STOW's continuation of *Holingſhead's* Chronicles, p. 1316 —1321.

To ſee the drift and propriety of this triumph, it is to be obſerved that the buſineſs which brought the *French* commiſſioners into *England*, was, the great affair of the queen's marriage with the duke of *Alançon*.

I regarded

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regarded as a nurſery of brave men, a very ſeed-plot of warriors and heroes. I conſider the ſucceſſes at the barriers, as preludes to future conqueſts in the field. And, as whimſical a figure as a young tilter may make in your eye, who will ſay that the virtue was not formed here, that triumphed at AXELL and bled at ZUTPHEN?

We ſhall very readily, replied Mr. *Addiſon*, acknowledge the bravery and other virtues of the young hero, whoſe fortunes you hint at. He was, in truth, to ſpeak the language of that time, the very flower of knighthood, and contributed more than any body elſe, by his pen, as well as ſword, to throw a luſtre on the profeſſion of chivalry. But the thing itſelf, however adorned by his wit and recommended by his manners, was barbarous; the offspring of *Gothic* fierceneſs; and ſhews the times, which favoured it ſo much, to have already emerged from their original rudeneſs and brutality *. You may celebrate, as loudly as you pleaſe, the deeds of theſe wonder-working knights. Alas, what affinity have ſuch prodigies to our life and manners? The old poet, you quoted juſt now with approbation, ſhall tell us the difference:

> Theſe were bold ſtories of our *Arthur's* age:
> But here are other acts, another ſtage
> And ſcene appears; it is not ſince as then;
> No giants, dwarfs, or monſters here, but MEN.

Or, if you want a higher authority, we ſhould not, methinks, on ſuch an occaſion as this, forget the

* Something having been here ſaid (but ſlightly and perfunctorily, as the manner of converſation is) of the *riſe and genius* of chivalry, the editor has been content to wade a little deeper into this argument, in a diſſertation, which may hereafter ſee the light, if his learned pains in this publication be candidly accepted.

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admirable Cervantes, whoſe ridicule hath brought eternal diſhonour on the profeſſion of knight-errantry.

With your leave, interrupted Dr. *Arbuthnot*, I have reaſon to except againſt both your authorities. At beſt, they do but condemn the *abuſes* of chivalry, and the madneſs of continuing the old romantic ſpirit in times when, from a change of manners and policy, it was no longer in ſeaſon. Adventures, we will ſay, were of courſe to ceaſe, when giants and monſters diſappeared. And yet have they totally vaniſhed out of the world, and have giants and monſters been no where heard of out of the caſtles and foreſts of our old romancers? 'Tis odds, methinks, but in the ſenſe of *Elizabeth's* good ſubjects, PHILIP II might be a *giant* at leaſt: and without a little of this adventurous ſpirit, it may be a queſtion whether all her enchanters, I mean her *Burleighs* and *Walſinghams*, would have proved a match for him. I mention this the rather to ſhew you, how little obligation his countrymen have to your Cervantes for laughing away the remains of that proweſs, which was the beſt ſupport of the *Spaniſh* monarchy.

As if, ſaid Mr. *Addiſon*, the proweſs of any people were only to be kept alive by their running mad. But let the caſe of the *Spaniards* be what it will, ſurely we, of this country, have little obligation to the ſpirit of chivalry, if it were only that it produced, or encouraged at leaſt, and hath now entailed upon us that curſe of the DUELLO; which even yet domineers in the faſhionable world, in ſpite of all that wit, and reaſon, and religion itſelf have done to ſubdue it. 'Tis true, at preſent this law of arms is appealed to only in the caſe of ſome high point of nice and myſterious honour. But in the happier days you celebrate, it was called in aid, on common occaſions. Even queſtions of right and property, you know,

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were determined at the baraiers*: and brute force was allowed the moſt equitable, as well as ſhorteſt, way of deciding all diſputes both concerning a man's eſtate and honour.

You might obſerve too, interpoſed Dr. *Arbuthnot*, that this was the way in which thoſe fiercer diſputes concerning a miſtreſs, or a kingdom, were frequently decided. And, if this ſort of deciſion, in ſuch caſes, were ſtill in uſe among chriſtian princes, you might call it perhaps a barbarous cuſtom, but would it be ever the worſe, do you think, for their good ſubjects?

Perhaps it would not, returned Mr. *Addiſon*, in ſome inſtances. And yet will you affirm that thoſe *good ſubjects* were in any enviable ſituation, under their fighting maſters? After all, allowing you to put the beſt conſtruction you can on theſe uſages of our forefathers,

—— "all we find
Is that they did their work and din'd."

And, though ſuch feats may argue a ſound athletic conſtitution, you muſt excuſe me if I am not forward to entertain any high notions of their civility.

Their civility, ſaid Dr. *Arbuthnot*, is another conſideration. The HALL and TILTYARD are certainly good proofs of what they are alledged for, the hoſpitality and bravery of our anceſtors. But it hath not

* There was an inſtance of this kind, and perhaps the lateſt upon record in our hiſtory, in the 13th year of the queen, when "a combat was appointed to have been fought for a certain manor, and demain lands belonging thereto, in *Kent*." The matter was compromiſed, in the end. But not till after the uſual forms had been obſerved, by the two parties: of which we have a curious and circumſtantial detail in *Holingſhead's* chronicles, p. 1225.

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been maintained, that theſe were their only virtues. On the contrary, as it ſeems to me, every flower of humanity, every elegance of art and genius, was cultivated amongſt them. For an inſtance, need we look any further than the LAKE, which in the flouriſhing times of this caſtle was ſo famous, and which we even now trace in the winding bed of that fine meadow?

I don't underſtand you, replied Mr. *Addiſon*. I can eaſily imagine what an embelliſhment that lake muſt have been to the caſtle; but am at a loſs to conceive what flowers of wit and ingenuity, to uſe your own ænigmatical language, could be raiſed or ſo much as watered by it.

And have you then, returned Dr. *Arbuthnot*, ſo ſoon forgotten the large deſcription, you gave us juſt now, of the ſhews and pageants diſplayed on this lake? And can any thing better declare the art, invention, and ingenuity of their conductors? Is not this canal as good a memorial of the ardour and ſucceſs with which the finer exerciſes of the mind were purſued in that time, as the Tilt-yard, we have now left, is of the addreſs and dexterity ſhewn in thoſe of the body?

I remember, ſaid Mr. *Addiſon*, that many of the ſhews, intended for the queen's entertainment at this place, were exhibited on that canal. But as to any art or beauty of contrivance —.

"You ſee none, I ſuppoſe."

Why truly none, reſumed Mr. *Addiſon*. To me they ſeemed but well enough ſuited to the other barbarities of the time. "The lady of the Lake and her train of Nereids," was not that the principal? And can it paſs for any thing better than a jumble of

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Gothic romance and pagan fable? A barbarous modern conceit, varniſhed over with a little claſſical pedantry?

And is that the beſt word you can afford, ſaid Dr. *Arbuthnot*, to theſe ingenious devices? The buſineſs was to welcome the Queen to this palace, and at the ſame time to celebrate the honours of her government. And what more decent way of complimenting a great Prince, than through the veil of fiction? Or what ſo elegant way of entertaining a learned Prince, as by working up that fiction out of the old poetical ſtory? And if ſomething of the gothic romance adhered to theſe claſſical fictions, it was not for any barbarous pleaſure, that was taken in this patchwork, but that the artiſt found means to incorporate them with the higheſt grace and ingenuity. For what, in other words, was the *Lady of the Lake* (the particular that gives moſt offence to your delicacy) but the preſiding nymph of the ſtream, on which theſe ſhews were preſented? And if the contrivance was to give us this nymph under a name that romance had made familiar, what was this but taking advantage of a popular prejudice to introduce his fiction with more addreſs and probability?

But ſee the propriety of the ſcene itſelf, for the deſigner's purpoſe, and the exact decorum with which theſe fanciful perſonages were brought in upon it. It was not enough that the pagan deities were ſummoned to pay their homage to the queen. They were the deities of the fount and ocean, the watry nymphs and demi-gods: And theſe were to play their part in their own element. Could any preparation be more artful for the panegyric deſigned on the naval glory of that reign? Or, could any repreſentation be more grateful to the queen of the ocean, as *Elizabeth*

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beth was then called, than ſuch as expreſſed her ſovereignty in thoſe regions? Hence the ſea-green Nereids, the Tritons, and Neptune himſelf were the proper actors in the drama. And the opportunity of this ſpacious lake gave the eaſieſt introduction, and moſt natural appearance to the whole ſcenery. Let me add, too, in further commendation of the taſte which was ſhewn in theſe agreeable fancies, that the attributes and dreſſes of the deities themſelves were ſtudied with care; and the moſt learned poets of the time employed to make them ſpeak, and act in perfect character. So that an old *Greek* or *Roman*, might have applauded the contrivance, and have almoſt imagined himſelf aſſiſting at a religious ceremony in his own country; at a time too, when thoſe ſuperſtitions were beſt underſtood, and conducted with the greateſt exactneſs.

And, to ſhew you that all this propriety was intended by the deſigner himſelf, and not imagined at pleaſure by his encomiaſt, I remember, that, when ſome years after the earl of HERTFORD had the honour to receive the queen at his ſeat in *Hampſhire*, becauſe he had no ſuch canal as this in readineſs on the occaſion, he ſet on a vaſt number of hands to hollow a baſon in his park for that purpoſe. With ſo great diligence and ſo exact a decorum were theſe entertainments conducted!

Did not I tell you, interpoſed Mr. *Addiſon*, addreſſing himſelf to Mr. *Digby*, to what an extravagance the doctor's admiration of the antient times would carry him? Could you have expected all this harangue on the art, elegance, and decorum of THE PRINCELY PLEASURES OF KENELWORTH *? And

* Alluding to a tract, ſo called, by GASCOIGNE, an attendant on the court, and poet of that time, who hath

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must not it divert you to see the unformed genius of that age tricked out in the graces of a *Roman* or even *Attic* politeness?

Mr. *Digby* acknowledged, it was very generous in the doctor to represent in so fair a light the amusements of the ruder ages. But I was thinking, said he, to what cause it could possibly be owing, that these pagan fancies had acquired so general a consideration in the days of *Elizabeth*.

The general passion for these fancies, returned Dr. *Arbuthnot*, was a natural consequence of the revival of learning. The first books that came into vogue were the poets. And nothing could be more amusing to rude minds, just opening to a taste of letters, than the fabulous story of the pagan gods, which is constantly interwoven in every piece of antient poetry. Hence the imitative arts of *sculpture*, *painting* and *poetry* were immediately employed in these pagan exhibitions. But this was not all. The first artists in every kind were, of *Italy*; and it was but natural for them to act these fables over again on the very spot, that had first produced them. These, too, were the masters to the rest of *Europe*. So that *fashion* concurred, with the other prejudices of the time, to recommend this practice to the learned. From them the enthusiasm spread itself to the great; whose supreme delight it was to see the wonders of the old poetical story brought forth, and realized, as it were, before them *. And what, in truth, could they do better? For, if I were not a little afraid of your

given us a narrative of the entertainments that passed on this occasion at *Kenelworth*.

* Hence then it is that a celebrated dramatic writer of those days represents the entertainment of MASKS and

ridicule,

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raillery, I ſhould deſire to know what courtly amuſements even of our time are comparable to the ſhews and maſques which were the delight and improvement of the court of *Elizabeth*. I ſay, the *improvement*; for, beſides that theſe ſhews were not in the number of the INERUDITÆ VOLUPTATES, ſo juſtly characteriſed and condemned by a wiſe antient, they were even highly uſeful and inſtructive. Theſe devices, compoſed out of the poetical hiſtory, were not only the vehicles of compliment to the great on certain ſolemn occaſions, but of the ſoundeſt moral leſſons, which were artfully thrown in, and recommended to them by the charms of poetry and numbers. Nay, ſome of theſe maſques were moral

SHEWS, as the higheſt indulgence that could be provided for a luxurious and happy monarch. His words are theſe;

"Muſic and poetry are his delight.
Therefore I'll have *Italian* maſques by night,
Sweet ſpeeches, comedies, and pleaſing ſhews;
And in the day, when he ſhall walk abroad,
Like SILVAN NYMPHS, my pages ſhall be clad:
My men, like SATYRS, grazing on the lawns,
Shall with their goat-feet dance the antic hay,
Sometimes a lovely boy in DIAN's ſhape
With hair, that gilds the water as it glides,
Crownets of pearls about his naked arms,
And in his ſportful hands an olive-tree,
Shall bathe him in a ſpring, and there hard by
One like ACTEON, peeping thro' the grove,
Shall by the angry Goddeſs be transform'd—
Such things as theſe beſt pleaſe his majeſty.

And how exactly this dramatiſt painted the humour of the times, we may ſee from the entertainment provided, not many years after, for the reception of king *James* at ALTHROP in *Northamptonſhire*; where this very deſign of *Silvan Nymphs*, *Satyrs*, and *Acteon* was executed in a maſque by *B. Johnſon*.

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dramas in form, where the virtues and vices were impersonated. We know the cast of their composition by what we see of these fictions in the next reign; and have reason to conceive of them with reverence when we find the names of FLETCHER and JOHNSON * to some of them. I say nothing of JONES and LAWES, though all the elegance of their respective arts was called in to assist the poet in the contrivance and execution of these entertainments.

And, now the poets have fallen in my way, let me further observe, that the manifest superiority of this class of writers in *Elizabeth's* reign, and that of her successor, over all others who have succeeded to them, is, amongst other reasons, to be ascribed to the care with which these moral representations were then cultivated. This taught them to animate and impersonate every thing. And though the original of this practice be owing, as it always is, to rude conception, yet the improvements of it are the reason that we find in the phraseology and mode of thinking of that time, and of that time only, the essence of the truest and sublimest poetry.

Without doubt, Mr. *Addison* said, the poetry of that time is of a better taste than could well have been expected from its barbarism in other instances. But such prodigies as *Shakespear* and *Spenser* would do great things in any age, and under every disadvantage.

* Whom his friend Mr. *Selden* characterizeth in this manner,

—— "Omnia carmina doctus
Et calles mythων plasmata et historiam."
TIT. OF HON. p. 466.

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Moſt certainly they would, returned Dr. *Arbuthnot*, but not the things that you admire ſo much in theſe immortal writers. And, if you will excuſe the intermixture of a little philoſophy in theſe ramblings, I will attempt to account for it. There is, I think, in the revolutions of taſte and language a certain point, which is more favourable to the purpoſes of poetry, than any other. It may be difficult to fix this point with exactneſs. But we ſhall hardly miſtake in ſuppoſing it lies ſomewhere between the rude eſſays of uncorrected fancy, on the one hand, and the refinements of reaſon and ſcience, on the other. And this I take to have been the condition of our language in the age of *Elizabeth*. It was pure, ſtrong, and perſpicuous without affectation. At the ſame time, the high figurative manner, which fits a language ſo peculiarly for the uſes of the poet, had not yet been controlled by the proſaic genius of philoſophy and logic. Indeed this character had been ſtruck ſo deeply into the *Engliſh* tongue, that it was not to be removed by any ordinary improvements in either. The reaſon of which might be, the delight which was taken by the *Engliſh* very early in their old MYSTERIES and MORALITIES, and the continuance of the ſame ſpirit in ſucceeding times, by means of their MASQUES and TRIUMPHS. And ſomething like this, I obſerve, attended the progreſs of the *Greek* and *Roman* poetry; which was the *trueſt* poetry, on the clown's maxim in *Shakeſpear*, becauſe it was *the moſt feigning*. It had its riſe, you know, like ours, from religion. And pagan religion, of all others, was the propereſt to introduce and encourage a ſpirit of allegory and moral fiction. Hence we eaſily account for the allegoric caſt of their old dramas, which hold very much of the nature of our antient moralities. NECESSITY, is brought in as a *perſon of the drama*, in one of *Æſchylus's* plays, and DEATH, in one

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one of *Euripides*; to say nothing of many shadowy persons in the comedies of *Aristophanes*. The truth is, the pagan religion *deified* every thing, and delivered these deities into the hands of their painters, sculptors, and poets. In like manner, christian superstition, or, if you will, modern barbarism, *impersonated* every thing; and these persons, in proper form, subsisted for some time on the stage, and almost to our days in the masques. Hence the picturesque style of our old poetry; which looks so fanciful in *Spenser*, and which *Shakespear's* genius hath carried to the utmost sublimity.

I will not deny, said Mr. *Addison*, but there may be something in this deduction of the causes by which you account for the strength and grandeur of the *English* poetry, unpolished as it still was in the hands of *Elizabeth's* great poets. But for the masques themselves —

I have no mind, interrupted Dr. *Arbuthnot*, to engage in a further vindication of them. I only conclude that the taste of the age, the state of letters, the genius of the *English* tongue, was such as gave a manliness to their compositions of all sorts, and even an elegance to those of the lighter forms, which we might do well to emulate, and not deride, in this æra of politeness.

But I am aware, as you say, I have been transported too far. My design was only to hint to you, in opposition to your invective against the memory of the old times, awakened in us by the sight of this castle, that what you objected to is capable of a much fairer interpretation. You have a proof of it, in two or three instances; in their festivals, their exercises, and their poetical fictions: or, to express myself in the classical forms, you have seen by this view of their

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their CONVIVIAL, GYMNASTIC, and MUSICAL character, that the times of *Elizabeth* may paſs for golden, notwithſtanding what a fondneſs for this age of baſer metal may incline ſome perſons to repreſent it.

In the mean time, theſe ſmaller matters have drawn me aſide from my main purpoſe. What ſurprized me moſt, purſued he, was to hear you ſpeak ſo ſlightly, I would not call it by a worſe name, of the GOVERNMENT of *Elizabeth*. Of the manners and taſtes of different ages, different perſons, according to their views of things, will judge very differently. But plain facts ſpeak ſo ſtrongly in favour of the policy of that reign, and the ſuperior talents of the ſovereign, that I could not but take it for the wantonneſs of oppoſition in you to eſpouſe the contrary opinion. And, now I am warmed by this ſlight ſkirmiſh, I am even bold enough to dare you to a defence of it; if indeed you were ſerious in advancing that ſtrange paradox. At leaſt, I could wiſh to hear upon what grounds you would juſtify ſo ſevere an attack on the reverend adminiſtration of that reign, ſupported by the wiſdom of ſuch men as CECIL and WALSINGHAM, under the direction of ſo accompliſhed a princeſs as our ELIZABETH. Your manner of defending even the wrong ſide of the queſtion will, at leaſt, be entertaining. And, I think, I may anſwer for our young friend that his curioſity will lead him to join me in this requeſt to you.

Mr. *Addiſon* ſaid, He did not expect to be called to ſo ſevere an account of what had eſcaped him on this ſubject. But, though I was ever ſo willing, continued he, to oblige you, this is no time or place for entering on ſuch a controverſy. We have not yet completed the round of theſe buildings. And I would fain, methinks, make the circuit of that pleaſant

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pleaſant meadow. Beſides its having been once, in another form, the ſcene of thoſe ſhews you deſcribed ſo largely to us, it will deſerve to be viſited for the ſake of the many fine views which, as we wind along it, we may promiſe to ourſelves of theſe ruins.

You forget my bad legs, ſaid Dr. *Arbuthnot* ſmiling; otherwiſe, I ſuppoſe, we can neither of us have any diſlike to your propoſal. But, as you pleaſe: let us deſcend from theſe heights. We may reſume the converſation, as we walk along, and eſpecially, as you propoſe, when we get down into that valley.

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DIALOGUE IV.

ON THE

Golden Age of Queen *Elizabeth.*

BETWEEN

The Hon. ROBERT DIGBY, Dr. ARBUTHNOT,

and Mr. ADDISON.

Hæc memini, et victum frustra contendere Thyrsin.

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DIALOGUE IV.

Mr. DIGBY, Dr. ARBUTHNOT, Mr. ADDISON.

BUT do you conſider, ſaid Mr. *Addiſon*, as they deſcended into the valley, what an invidious taſk you are going to impoſe upon me? One cannot call in queſtion a common opinion in any indifferent matter, without the appearance of ſome degree of perverſeneſs. But to do it in a caſe of this importance, where the greateſt authorities ſtand in the way, and the glory of one of our princes is concerned, will, I doubt, be liable to the imputation of ſomething worſe than ſingularity. For, beſides that you will be apt to upbraid me, in the words of the poet,

—— Nullum memorabile nomen
Fæmineâ in pœnâ eſt, nec habet victoria laudem,

Such a liberty of cenſure is uſually taken for an argument, not of diſcourteſy or preſumption only, but of ill-nature. At beſt, the attempt to arraign the virtues and government of *Elizabeth* will appear but like the idleneſs of the old ſophiſts, who, you know, were never ſo well pleaſed as when they were controverting ſome acknowledged fact, or aſſaulting ſome eſtabliſhed character.

That cenſure might be juſt enough, Dr. *Arbuthnot* ſaid, of the old ſophiſts, who had nothing in view but the credit of their own ſkill in the arts of diſputation. But in this friendly debate, which means

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nothing more than private amuſement, I ſee no colour for ſuch apprehenſions.

But what ſhall we ſay, interpoſed Mr. *Addiſon*, to another difficulty? The ſubject is immenſely large; and it ſeems no eaſy matter to reduce it into any diſtinct order. Beſides, my buſineſs is not ſo much to advance any thing of my own, as to object to what others have advanced of the fame and virtues of *Elizabeth*. And to this end, I muſt deſire to know the particulars on which you are diſpoſed to lay the greateſt ſtreſs, and indeed to have ſome plan of the ſubject delivered in to me, which may ſerve, as it were, for the ground-work of the whole converſation.

I muſt not preſume, ſaid Dr. *Arbuthnot*, to preſcribe the order in which your attack on the great queen ſhall be conducted. The ſubject, indeed, is large. But this common route of hiſtory is well known to all of us. To that then you may well enough refer, without being at the trouble, before you go to work, of laying foundations. Or, if you will needs have a baſis to build upon, what if I juſt run over the ſeveral circumſtances which I conceive to make moſt for the credit of that reign? A ſketch of this ſort, I ſuppoſe, will anſwer all the ends of the plan you ſeem to require of me.

Mr. *Addiſon* agreed to this propoſal, which he thought would be of uſe to ſhorten the debate, or at leaſt to render the progreſs of it more clear and intelligible.

In few words then, reſumed Dr. *Arbuthnot*, the reaſons, that have principally determined me to an admiration of the government and character of queen *Elizabeth*, are ſuch as theſe: "That ſhe came to the crown with all poſſible diſadvantages; which yet, by the

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the prudence and vigour of her counſels, ſhe entirely overcame: that ſhe triumphed over the greateſt foreign and domeſtic dangers; that ſhe humbled the moſt formidable power in *Europe* by her arms; and compoſed, or checked at leaſt, by the firmneſs of her adminiſtration, TWO, the moſt implacable and firey factions at home: that ſhe kept down the rebellious ſpirit of *Ireland*, and eluded the conſtant intrigues of her reſtleſs neighbours, the *Scots*: that ſhe fixed our religious eſtabliſhment on ſolid grounds, and countenanced, or rather conducted, the Proteſtant cauſe abroad: that ſhe made her civil authority reſpected by her ſubjects; and raiſed the military glory of the nation, both by ſea and land, to the greateſt height: that ſhe employed the ableſt ſervants, and enacted the wiſeſt laws: by all which means it came to paſs that ſhe lived in a conſtant good underſtanding with her parliaments, was idolized by her people, and admired and envied by all the reſt of the world."

Alaſs, ſaid Mr. *Addiſon*, I ſhall never be able to follow you through all the particulars of this encomium; and, to ſay the truth, it would be to little purpoſe; ſince the wiſdom of her policy, in all theſe inſtances of her government, can only be eſtimated from a careful peruſal of the hiſtories of that time; too numerous and contradictory to be compared and adjuſted in this converſation. All I can do, continued he, after taking a moment or two to recollect himſelf, is to abate the force of this panegyric by ſome general obſervations on the CIRCUMSTANCES and GENIUS of that time; and then to conſider the perſonal QUALITIES of the queen, which are thought to reflect ſo great a luſtre on her government.

As you pleaſe, Dr. *Arbuthnot* replied. We ſhall hardly loſe ourſelves in this beaten field of hiſtory. And, beſides, as your undertaking is ſo adventurous,

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it is but reaſonable you ſhould have the choice of your own method.

You are in the common opinion, I perceive, reſumed Mr. *Addiſon*, that *Elizabeth's* government was attended with all poſſible diſadvantages. On the contrary, it appears to me that the ſecurity and even ſplendor of her reign is chiefly to be accounted for from the fortunate CIRCUMSTANCES of her ſituation.

Of theſe the firſt that demands our notice is the great affair of religion.

The principles of PROTESTANTISM had now for many years been working among the people. They had grown to that head in the ſhort reign of *Edward* VI, that the bloody ſeverities of his ſucceſſor ſerved only to exaſperate the zeal with which theſe principles had been embraced and promoted. *Elizabeth*, coming to the crown at this juncture, was determined, as well by intereſt as inclination, to take the ſide of the new religion. I ſay by *intereſt*, as well as inclination. And, I think, I have reaſon for the aſſertion. For though the perſons in power, and the clergy throughout the kingdom were generally profeſſed papiſts, yet they were moſt of them ſuch as had conformed in king *Edward's* days, and were not therefore much to be feared for any tie their *profeſſion* could really have on their conſciences. Whereas, on the other hand, it was eaſy to ſee from many ſymptoms that the general bent of the nation was towards proteſtantiſm; and that too followed with a *ſpirit* which muſt in the end prevail over all oppoſition. Under theſe circumſtances then it was natural for the queen, if ſhe had not been otherwiſe led by her principles, and the intereſt of her title, to favour the reformation.

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The truth is, ſhe came into it herſelf ſo heartily, and provided ſo effectually for its eſtabliſhment, that we are not to wonder ſhe became the idol of the reformed, at the ſame time that the papal power through all *Europe* was confederated againſt her. The enthuſiaſm of her proteſtant ſubjects was prodigious. It was raiſed by other conſiderations; but confirmed in all orders of the ſtate by the eaſe they felt in their deliverance from the tyranny of the church, and in the great eſpecially, by the ſweets they taſted in their enjoyment of the church-revenues. It was, in ſhort, one of thoſe extraordinary conjunctures in which the public danger becomes the public ſecurity; when religion and policy, conſcience and intereſt unite their powers to ſupport the authority of the prince, and to give fidelity, vigour, and activity to the obedience of the ſubject.

And thus it was, continued he, that ſo warm and unconquerable a zeal appeared in defence of the queen againſt all attempts of her enemies. Her people were ſo thoroughly proteſtant as to think no expence of her government too great, provided they could but be ſecured from relapſing into popery. And her parliaments were diſpoſed to wave all diſputes about the ſtretch of her prerogative, from a ſenſe of their own and the common danger.

In magnifying this advantage of the zeal and union of *Elizabeth's* good ſubjects, you forget, ſaid Dr. *Arbuthnot*, that two reſtleſs and inveterate factions were contending all her life-time within her own kingdom.

I am ſo far from forgetting that circumſtance, returned Mr. *Addiſon*, that I eſteem it ANOTHER of the great advantages of her ſituation.

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The contrary tendencies of thoſe factions in ſome reſpects defeated each other. But the principal uſe of them was, that by means of their practices, ſome domeſtic plot, or foreign alarm, was always at hand to quicken the zeal and inflame the loyalty of her people. But to be a little more particular about the factions of her reign.

The PAPIST was, in truth, the only one ſhe had reaſon to be alarmed at. The PURITAN had but juſt begun to ſhew himſelf, though indeed with that ferocity of air and feature which ſignified clearly enough what ſpirit he was of, and what, in good time, he was likely to come to. Yet even he was kept in tolerable humour by a certain commodious policy of the queen, which was ſo to divide her regards betwixt the church and the puritans, as made it the intereſt of both to keep well with her. 'Tis true, theſe laſt felt the weight of her reſentment ſometimes when they ventured too ſawcily to oppoſe themſelves to the eſtabliſhment. But this was rarely, and by halves: and when checked with the moſt rigour, they had the ſatisfaction to ſee their patrons continue in the higheſt places at court, and, what is more, in the higheſt degree of perſonal favour.

And what doth all this ſhew, interrupted Dr. *Arbuthnot*, but that ſhe managed ſo well as to diſarm a furious faction, or rather make it ſerve againſt the bent of its nature, to the wiſe ends of her government?

As to any wiſe ends of government, I ſee none, replied Mr. *Addiſon*, deſerving to be ſo called, that were anſwered by her uncertain conduct towards the puritans. For ſhe neither reſtrained them with that ſeverity which might perhaps have prevented their growth at firſt, nor ſhewed them that entire indulgence

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dulgence which might have disabled their fury afterwards. It is true, this temporizing conduct was well enough adapted to prevent disturbances in her own time. But large materials were laid in for that terrible combustion which was soon to break forth under one of her successors.

And so, instead of imputing the disasters that followed, said Dr. *Arbuthnot*, to the ill government of the STUARTS, you are willing to lay the whole guilt of them on this last and greatest of the TUDORS. This is a new way of defending that royal house; and, methinks, they owe you no small acknowledgments for it. I confess it never occurred to me to make that apology for them.

Though I would not undertake, said Mr. *Addison*, to make their apology from this, or any other, circumstance, I do indeed believe that part of the difficulties the house of Stuart had to encounter, were brought upon them by this wretched policy of their predecessor. But, waving this consideration, I desire you will take notice of what I chiefly insist upon, "That the ease and security of *Elizabeth's* administration was even favoured by the turbulent practices and clashing views of her domestic factions." The PURITAN was an instrument, in her hands, of controlling the church, and of balancing the power of her ministers: besides, that this sort of people were, of all others, the most inveterate against the common enemy. And for the PAPISTS themselves (not to insist that of course they would be strictly watched, and that they were not, perhaps, so considerable as to create any immediate danger*) the

* This will be admitted, if a calculation said to have been made by themselves of their number at that time may be relied on—"They make reckoning (saith Sir EDWIN

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general abhorrence both of their principles and designs had the greateſt effect in uniting more cloſely and cementing, as it were, the affections of the reſt of her ſubjects. So that, whether within or without, the common danger, as I expreſſed it, was the common ſafety.

Still, ſaid Dr. *Arbuthnot*, I muſt think this a very extraordinary concluſion. I have no idea of the ſecurity of the great queen, ſurrounded, as ſhe was, by her domeſtic and foreign enemies.

Her foreign enemies, returned Mr. *Addiſon*, were leſs formidable than they appear at firſt view. And I even make the condition of the neighbouring powers on the continent, in her time, a THIRD inſtance of the ſignal advantages of her ſituation.

It is true, if a perfect union had ſubſiſted between the catholic princes, the papal thunders would have carried terror with them. But, as it was, they were powerleſs and ineffectual. The civil wars of *France*, and a conſtant jealouſy of *Spain*, left the queen but little to apprehend from that quarter. The *Spaniſh* empire indeed was vaſt, and under the direction of a bigotted vindictive prince. But the adminiſtration was odious and corrupt in every part. So that wiſe men ſaw there was more of bulk, than force in that unwieldy monarchy. And the ſucceſsful ſtruggles of a handful of its ſubjects, inflamed by the love of liberty, and made furious by oppreſſion, proclaimed its weakneſs to all the world.

It may be true, interrupted Dr. *Arbuthnot*, that the queen had leſs to fear from the princes on the

SANDYS in his *Speculum Europæ*, written in 1699) of forty hundred ſure catholics in *England*, with four hundred *Engliſh Roman* prieſts to maintain that militia, p. 157.

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continent than is ſometimes repreſented. But you forget, in this ſurvey of the public dangers, the diſtractions of IRELAND, and the reſtleſs intrigues of her near neighbours, the SCOTS: both of them aſſiſted by *Spain*; and theſe laſt under the peculiar influence and direction of the GUISES.

You ſhall have my opinion, returned Mr. *Addiſon*, in few words.

For the IRISH diſtractions, it was not the queen's intention, or certainly it was not her fortune to compoſe them: I mean, during the greateſt part of her reign; for we are now ſpeaking of the general tenor of her policy. Towards the cloſe of it, indeed, ſhe made ſome vigorous attempts to break the ſpirits of thoſe ſavages. And it was high time ſhe ſhould. For, through her faint proceedings againſt them, they had grown to that inſolence as to think of ſetting up for an independency on *England*. Nay, the preſumption of that arch-rebel TYRONE, countenanced and abetted by *Spain*, ſeemed to threaten the queen with ſtill further miſchiefs. The extreme diſhonour and even peril of this ſituation rouzed her old age, at length, to the reſolution of taking ſome effectual meaſures. The preparation was great and ſuitable to the undertaking. It muſt further be owned, it ſucceeded; but ſo late, that ſhe herſelf did not live to ſee the full effect of it. However, this ſucceſs is reckoned among the glories of her reign. In the mean time, it is not conſidered that nothing but her ill policy, in ſuffering the diſorders of that country to gather to a head, made way for this glory. I call it her *ill policy*, for (unleſs it were rather owing to her exceſſive frugality *) one can hardly help

* Mr. CAMDEN owns that the *Iriſh* rebellion, which in the end became ſo dangerous, had been "encouraged by a ſlighting of it, and a gripple handedneſs of *England*." thinking

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thinking ſhe deſigned to perpetuate the *Iriſh* diſtractions. At leaſt it was agreeable to a favourite maxim of hers, to check, and not to ſuppreſs them. And I think it clear from the manner of proſecuting the war, that, till this laſt alarm, ſhe never was in earneſt about putting an end to it.

SCOTLAND, indeed, demanded a more ſerious attention. Yet the weak-diſtracted counſels of that court — a minor king — a captive queen — and the unſettled ſtate of *France* itſelf, which defeated in a good degree the malice of the *Guiſes* — were favourable circumſtances.

But to be fair with you (for I would appear in the light of a reaſonable objector, not a ſophiſtical wrangler) I allow her policy in this inſtance to have been conſiderable. She kept a watchful eye on the ſide of *Scotland*. And, though many circumſtances concurred to favour her deſigns, it muſt be owned they were not carried without much care and ſome wiſdom.

I underſtand the value of this conceſſion, replied Dr. *Arbuthnot*. It muſt have been no common degree of both that extorted it from you.

[*Hiſt. of Eliz.* B. iv.]—To the ſame purpoſe another eminent writer of that time—"Before the tranſmitting of the laſt great army, the forces ſent over by Q. *Elizabeth* were NOT of ſufficient power to break and ſubdue all the *Iriſhry*." At laſt however, "The extreme peril of loſing the kingdom; the diſhonour and danger that might thereby grow to the crown of *England*; together with a juſt diſdain conceived by that great-minded queen, that ſo wicked and ungrateful a rebel ſhould prevail againſt her, who had ever been victorious againſt all her enemies, did move and almoſt ENFORCE her to ſend over that mighty army. [Sir J. DAVIES' *Diſcovery of the State of Ireland*, p. 97. *Lond.* 1613.]

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I decline entering further, ſaid Mr. *Addiſon*, into the public tranſactions of that reign, if it were only that, at this diſtance of time, it may be no eaſy matter to determine any thing of the policy with which they were conducted. Only give me leave to add as a FOURTH inſtance of the favourable circumſtances of the time, "That the prerogative was then in its height, and that a patient people allowed the queen to uſe it on all occaſions." Hence the apparent vigour and firmneſs of her adminiſtration: and hence the opportunity, which is ſo rarely found in our country, of directing the whole ſtrength of the nation to any end of government, which the glory of the prince or the public intereſt demanded.

What you impute to the high ſtrain of prerogative, returned Dr. *Arbuthnot*, might rather be accounted for from the ability of her government, and the wiſe means ſhe took to ſupport it. The principal of theſe was, by employing the GREATEST MEN in the ſeveral departments of her adminiſtration. Every kind of merit was encouraged by her ſmile*, or rewarded by her bounty. Virtue, ſhe knew, would thrive beſt on its native ſtock, a generous emulation. This ſhe promoted by all means; by her royal countenance, by a temperate and judicious praiſe, by the wiſeſt diſtribution of her preferments.

* Sir ROBERT NAUNTON tells us, "The queen was never profuſe in delivering out of her treaſure, but paid her ſervants, part in money, and the reſt with GRACE; which, as the caſe ſtood, was then taken for good payment [FRAGM. REG. p. 89.] And NAT. BACON to the ſame purpoſe, "A wiſe man, that was an eye-witneſs of HER actions, and thoſe that ſucceeded to her, many times hath ſaid, That a courtier might make a better meal of one good LOOK from her, than of a gift from ſome other [DISC. P. II. p. 266. *Lond.* 1651.]

Hence

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Hence would naturally ariſe that confidence in the queen's counſels and undertakings, which the ſervile awe of her prerogative could never have occaſioned. This is the true account of the loyalty, obedience, and fidelity by which her ſervants were diſtinguiſhed. And thus, in fact, it was that throughout her kingdom there was every where that reverence of authority *, that ſenſe of honour, that conſcience of duty, in a word, that gracious ſimplicity of manners, which renders the age of *Elizabeth* truly GOLDEN: as preſenting the faireſt picture of humanity that is to be met with in the accounts of any people.

It is true, as you ſay, interpoſed Mr. *Addiſon*, that this *Picture is a fair one*. But of what is it a copy? Of the GENIUS of the time, or of the queen's virtues? You ſhall judge for yourſelf, after I have laid before you TWO remarkable events of that age, which could not but have the greateſt effect on the public manners; I mean, THE REFORMATION OF RELIGION, and, what was introductory of it, THE RESTORATION OF LETTERS. From theſe, as their proper ſources, I would derive the ability and fidelity of *Elizabeth's* good ſubjects.

The paſſion for LETTERS was extreme. The novelty of theſe ſtudies, the artifices that had been uſed

* This *reverence of authority*, one of the characteriſtics of that time, and which Mr. *Addiſon* preſently accounts for, a great writer celebrates in theſe words—"It was an ingenuous uninquiſitive time, when all the paſſions and affections of the people were lapped up in ſuch an innocent and humble obedience, that there was never the leaſt conteſtation nor capitulation with the queen, nor (though ſhe very frequently conſulted with her ſubjects) *any further reaſons urged of her actions, than* HER OWN WILL." See a tract intitled THE DISPARITY, in Sir *H. Wotton's* Remains, p. 46. ſuppoſed to have been written by the earl of *Clarendon*.

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to keep men from them, their apparent uſes, and, perhaps, ſome confuſed notion of a certain divinet virtue, than really belongs to them, theſe cauſes concurred to excite a curioſity in all, and determined thoſe, who had leiſure, as well as curioſity, to make themſelves acquainted with the *Greek* and *Roman* learning. The eccleſiaſtics, who, for obvious reaſons, would be the firſt and moſt earneſt in their application, were not the only perſons tranſported with this zeal. The gentry and nobility themſelves were ſeized with it. A competent knowledge of the old writers was looked upon as eſſential to a gentleman's education. So that *Greek* and *Latin* became as faſhionable at court in thoſe days, as *French* is in ours. *Elizabeth* herſelf, which I wonder you did not put me in mind of, was well ſkilled in both *; they ſay,

* PAULUS HENTZNERUS, a learned *German*, who was in *England* in 1598, goes ſtill further in his encomium on the queen's ſkill in languages. He tells us, that, "præterquàm quòd Græcè et Latinè eleganter eſt docta, tenet, ultra jam memorata idiomata, etiam Hiſpanicum, Scoticum, et Belgicum." See his ITINERARIUM.

But this was the general character of the great in that reign; at leaſt, if we may credit Maſter WILLIAM HARRISON, who diſcourſeth on the ſubject before us in the following manner: "This further is not to be omitted, to the ſingular commendation of both ſorts and ſexes of our courtiers here in *England*, that there are very few of them, which have not the uſe and ſkill of ſundry ſpeeches, beſide an excellent vein of writing, before time not regarded. Truly it is a rare thing with us now, to hear of a courtier which hath but his own Language. And to ſay how many gentlewomen and ladies there are, that, beſide ſound knowledge of the *Greek* and *Latin* tongues, are thereto no leſs ſkilful in the *Spaniſh*, *Italian*, and *French*, or in ſome one of them, it reſteth not in me: ſith I am perſuaded, that as the noblemen and gentlemen do ſurmount in this behalf, ſo theſe come very little or nothing behind them for their parts; which induſtry God continue, and accompliſh that which otherwiſe is wanting." DESCRIPT. OF ENGLAND, p. 196.

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employed her leiſure in making ſome fine tranſlations out of either language. It is eaſy to ſee what effect this general attention to letters muſt have on the minds of the liberal and well educated. And it was a happineſs peculiar to that age, that learning, though cultivated with ſuch zeal, had not as yet degenerated into pedantry: I mean, that, in thoſe ſtirring and active times, it was cultivated, not ſo much for ſhew, as uſe; and was not followed, as it ſoon came to be, to the excluſion of other generous and manly applications.

Conſider too the effects which the alterations in religion had produced. As they had been lately made, as their importance was great, and as the benefits of the change had been earned at the expence of much blood and labour, all theſe conſiderations begot a zeal for religion which hardly ever appears under other circumſtances. This zeal had an immediate and very ſenſible effect on the morals of the reformed. It improved them in every inſtance; eſpecially as it produced a chearful ſubmiſſion to the government, which had reſcued them from their former ſlavery, and was ſtill their only ſupport againſt the returning dangers of ſuperſtition. Thus religion, acting with all its power, and that too heightened by gratitude and even ſelf-intereſt, bound obedience on the minds of men with the ſtrongeſt ties *. And

* Amongſt theſe *ties*, it is wonderful the Speaker overlooked the *prejudice of education*; eſpecially as ſuch uncommon methods were uſed to make it effectual to the purpoſe, here mentioned.—A book, called ΕΙΡΗΝΑΡΧΙΑ, ſive ELIZABETHA, was written in *Latin* verſe by one OCKLAND, containing the higheſt panegyrics on the queen's character and government, and ſetting forth the tranſcendent virtues of her miniſters. This book was enjoined by authority to be taught, as a claſſic author, in Grammar ſchools, and was luckily

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luckily for the queen, that obedience was further secured to her by the high uncontroverted notions of royalty, which at that time obtained amongst the people.

Lay all this together, and then tell me where is the wonder, that a people, now emerging out of ignorance; uncorrupted by wealth, and therefore undebauched by luxury; trained to obedience, and nurtured in simplicity; but above all, caught with the love of learning and religion, while neither of

of course to be gotten by heart by the young scholars throughout the kingdom.

This was a matchless contrivance to imprint a sense of loyalty on the minds of the people. And, though it flowed, as we are to suppose, from a tender regard, in the advisers of it, for the interests of protestantism in that reign; yet its uses are so apparent in any reign, and under any administration, that nothing but the moderation of her successors, and the reasonable assurance of their ministers that their own acknowledged virtues were a sufficient support to them, could have hindered the expedient from being followed.

But, though the stamp of public authority was wanting, private men have attempted, in several ways, to supply this defect. To instance only in one. The protestant queen was to pass for a mirror of *good government:* hence the Ἐρμηνεχία. Her successor would needs be thought a mirror of *eloquence:* and hence the noble enterprize I am about to celebrate. "Mr. GEORGE HERBERT (I give it in the grave historian's own words) being prælector in the rhetorique school in *Cambridge*, in 1618, passed by those fluent orators, that domineered in the pulpits of *Athens* and *Rome*, and insisted to read upon an oration of K. *James*, which he analysed; shewed the concinnity of the parts; the propriety of the phrase; the height and power of it to move the affections; the style, UTTERLY UNKNOWN TO THE ANTIENTS; who could not conceive what kingly eloquence was, in respect of which those noted demagogi were but hirelings and triobolary rhetoricians." Bishop HACKET's Life of Archbishop WILLIAMS, p. 175.

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them was worn for fashion-sake, or, what is worse, perverted to the ends of vanity or ambition; where, I say, is the wonder that such a people should present so fair a picture of manners to their admiring panegyrist?

To be fair with you, it was one of those conjunctures in which the active virtues are called forth, and rewarded. The dangers of the time had rouzed the spirit, and brought out all the force and genius of the nation. A sort of enthusiasm had fired every man with the ambition of exerting the full strength of his faculties, which way soever they pointed, whether to the field, the closet, or the cabinet. Hence such a crop of soldiers, scholars, and statesmen had sprung up as have rarely been seen to flourish together in any country. And as all owed their duty, it was the fashion of the times for all to bring their pretensions to the court. So that, where the multitude of candidates was so great, it had been strange indeed if an ordinary discretion had not furnished the queen with able servants of all sorts; and the rather, as her occasions loudly called upon her to employ the ablest.

I was waiting, said Dr. *Arbuthnot*, to see to what conclusion this career of your eloquence would at length drive you. And it hath happened in this case, as in most others where a favourite point is to be carried, that a zeal for it is indulged, though at the expence of some other of more importance. Rather than admit the personal virtues of the queen, you fill her court, nay, her kingdom with heroes and sages: and so have paid a higher compliment to her reign, than I had intended.

To her *reign*, if you will, replied Mr. *Addison*, so far as regards the qualities and dispositions of her

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ſubjects: for I will not leſſen the merit of this conceſſion with you by inſiſting, as I might, that their *manners*, reſpectable, as they were, were debaſed by the contrary, yet very conſiſtent vices of ſervility and inſolence *; and their virtues of every kind deformed by barbariſm. But for the queen's own merit in the choice of her ſervants, I muſt take leave to declare my ſentiments to you very plainly. It may be true, that ſhe poſſeſſed a good degree of ſagacity in diſcerning the natures and talents of men. It was the virtue by which her admirers tell us, ſhe was principally diſtinguiſhed. Yet that the high fame of this virtue hath been owing to the felicity of the times, abounding in all ſorts of merit, rather than to her own judgment, I think clear from this circumſtance, "That ſome of the moſt deſerving of thoſe days, in their ſeveral profeſſions, had not the fortune to attract the queen's grace in the proportion they might have expected." I ſay nothing of poor SPENSER. Who has any concern for a poet †? But

* It muſt be owned, a learned foreigner gives this character of the *Engliſh* at that time. "Angli, ut ADDICTE SERVIUNT, ità evecti ad dignitates priorem humilitatem INSOLENTIA rependunt." H. GROTII ANN. L. v. p. 95. *Amſt.* 1657. Hence the propriety of thoſe complaints, in our great poet, of,

"The whips and ſcorns of th' time,
Th' oppreſſor's wrong, the proud man's contumely,
THE INSOLENCE OF OFFICE"—

complaints ſo frequent, and ſo forcibly expreſſed by him, that we may believe he painted from his own obſervation, and perhaps experience, of this inſolent miſuſe of authority. MEASURE FOR MEASURE, A. II. S. VII.

† Yet it may ſeem probable from this poet's conduct in *Ireland*, and his *View of the ſtate of that country*, that his talents for *buſineſs* (ſuch as *Cecil* himſelf muſt have approved) were no leſs conſiderable than for poetry. But he had ſerved a diſgraced man; and had drawn upon himſelf the

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if merit alone had determined her majesty's choice, it will hardly at this day admit a dispute, that the immortal HOOKER and BACON * at least had ranked in another class than that in which this great discerner of spirits thought fit to leave them.

admiration of the generous earl of *Essex*. So that, as the historian expresseth it, "by a fate, which still follows poets, he always wrestled with poverty, though he had been secretary to the lord *Gray*, lord-deputy of *Ireland*." All that remained for him was, "to be interred at *Westminster*, near to *Chaucer*, at the charge of the earl of *Essex*; his hearse being attended by poets, and mournful elegies and poems, with the pens that wrote them, thrown into his grave." CAMDEN, L. IV.

* The editor professes to believe that the queen had great injustice done her in this imputation, at least with regard to Sir FRANCIS BACON. For he understands she gave a very plausible reason, and doubtless much approved by the grave lawyers and other judicious persons of that time, for her neglect of this gentleman. "She did acknowledge (says the earl of *Essex* in a letter to Mr. *Francis Bacon*) you had a great wit, and an excellent gift of speech, and much other good learning. But in LAW, she rather thought you could make shew, to the utmost of your knowledge, than that you were deep." MEM. OF Q. ELIZABETH by Dr. BIRCH.

If it be asked, how the queen came to form this conclusion, the answer is plain. It was from Mr. *Bacon's* having a GREAT WIT, an excellent GIFT OF SPEECH, and much other GOOD LEARNING.

It is true, Sir *Francis Bacon* himself gives another account of this matter. In a letter of advice to Sir GEORGE VILLIERS, he says, "In this dedication of yourself to the public, I recommend unto you principally that which I think was never done since I was born—that you countenance and encourage and advance ABLE MEN, in all kinds, degrees, and professions. For in the time of the CECILS, father and son, ABLE MEN WERE BY DESIGN AND OF PURPOSE SUPPRESSED. CABALA, p. 57. Ed. 1691.—But either way indeed the queen's character is equally saved.

And

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And her character, continued he, in every other reſpect is juſt as equivocal. For having touched one part of it, I now turn from theſe general conſiderations on the circumſtances and genius of the time, to our more immediate ſubject, the PERSONAL QUALITIES of *Elizabeth*. Hitherto we have ſtood aloof from the queen's perſon. But there is no proceeding a ſtep further in this debate, unleſs you allow me a little more liberty. May I then be permitted to draw the veil of *Elizabeth's* court, and by the lights, which hiſtory holds out to us, contemplate the myſteries that were celebrated in that awful ſanctuary?

After ſo reverend a preface, replied Dr. *Arbuthnot*, I think you may be indulged in this liberty. And the rather, as I am not apprehenſive that the honour of the illuſtrious queen is likely to ſuffer by it. The ſecrets of her cabinet-council, it may be, are not to be ſcanned by the profane. But it will be no preſumption to ſtep into the drawing-room.

Yet I may be tempted, ſaid Mr. *Addiſon*, to uſe a freedom in this ſurvey of her majeſty that would not have been granted to her moſt favoured courtiers. As far as I can judge of her character, as diſplayed in that ſolemn ſcene of her court, ſhe had ſome apparent VIRTUES, but more genuine VICES; which yet, in the public eye, had equally the fortune to reflect a luſtre on her government.

Her gracious affability, her love of her people, her zeal for the national glory; were not theſe her more obvious and ſpecious qualities? Yet I doubt they were not ſo much the proper effects of her nature, as her policy; a ſet of ſpurious virtues begotten by the very neceſſity of her affairs.

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For her AFFABILITY, ſhe ſaw there was no way of being ſecure amidſt the dangers of all ſorts, with which ſhe was ſurrounded, but by ingratiating herſelf with the body of the people. And, though in her nature ſhe was as little inclined to this condeſcenſion as any of her ſucceſſors, yet the expediency of this meaſure compelled her to ſave appearances. And it muſt be owned ſhe did it with grace, and even acted her part with ſpirit. Poſſibly, the conſideration of her being a female actor, was no diſadvantage to her.

But when ſhe had made this ſacrifice to intereſt, her proper temper ſhewed itſelf clearly enough in the treatment of her nobles, and of all that came within the verge of the court. Her caprice and jealouſy, and haughtineſs appeared in a thouſand inſtances. She took offence ſo eaſily, and forgave ſo difficultly, that even her principal miniſters could hardly keep their ground, and were often obliged to redeem her favour by the loweſt ſubmiſſions. When nothing elſe would do, they ſickened and were even at death's door; from which peril, however, ſhe would ſometimes relieve them, but not till ſhe had exacted from them, in the way of penance, a courſe of the moſt mortifying humiliations. Nay, the very ladies of her court had no way to maintain their credit with her, but by ſubmitting patiently to the laſt indignities.

It is allowed, from the inſtances you have in view, returned Dr. *Arbuthnot*, that her nature was ſomething high and imperious. But theſe ſallies of paſſion might well enough conſiſt with her general character of affability.

Hardly,

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Hardly, as I conceive, anſwered Mr. *Addiſon*, if you reflect that theſe ſallies, or rather habits of paſſion, were the daily terror and vexation of all about her. Her very minions ſeemed raiſed for no other purpoſe, than the exerciſe of her ill humour. They were encouraged, by her ſmile, to preſume on the royal countenance, and then beaten down again in puniſhment of that preſumption. But, to ſay the truth, the ſlaviſh temper of the time was favourable to ſuch exertions of female caprice and tyranny. Her imperious father, all whoſe virtues ſhe inherited, had taught her a ſure way to quell the ſpirit of her nobles. They had been long uſed to ſtand in awe of the royal frown. And the people were pleaſed to find their betters ruled with ſo high a hand at a time when they themſelves were addreſſed with every expreſſion of reſpect, and even flattery.

She even carried this mockery ſo far, that, as *Harrington* obſerves well, "ſhe converted her reign, through the perpetual love-tricks that paſſed between her and her people, into a kind of romance." And though that political projector, in proſecution of his favourite notion, ſuppoſes the queen to have been determined to theſe intrigues by obſerving that the weight of property was fallen into the popular ſcale; yet we need look no further for an account of this proceeding, than the inherent haughtineſs of her temper. She gratified the inſolence of her nature in neglecting, or rather beating down, her nobility, whoſe greatneſs might ſeem to challenge reſpect; while the court ſhe paid to the people revolted her pride leſs as paſſing only upon herſelf, as well as others, for a voluntary act of affability. Juſt as we every day ſee very proud men carry it with much loftineſs towards their equals, or thoſe who are raiſed to ſome nearneſs of degree to themſelves, at the ſame

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time that they affect a ſort of courteſy to ſuch as are confeſſedly beneath them.

You ſee then what her boaſted affability comes to. She gave good words to her people whom it concerned her to be well with, and whom her pride itſelf allowed her to *manage*. She inſulted her nobles, whom ſhe had in her power, and whoſe abaſement flattered the idea, ſhe doted upon, of her own ſuperiority an importance *.

Let the queen's manner of treating her ſubjects be what it would, Dr. *Arbuthnot* ſaid, it appears to have given no offence in thoſe days, when the ſincerity of her intentions was never queſtioned. Her whole life is a convincing argument, that ſhe bore the moſt entire affection to her people.

HER LOVE OF HER PEOPLE, returned Mr. *Addiſon* haſtily, is with me a very queſtionable virtue. For what account ſhall we give of the multitude of penal ſtatutes, paſſed in her reign? Or, becauſe you will ſay, there was ſome colour for theſe; what excuſe ſhall we make for her frequent grants of mono-

* It muſt be confeſſed there is ſome colour for this imputation. She even appears to have rated her courtiers, on certain occaſions, in much the ſame tone as a maſter might uſe to his ſcholars. The lord *Mountjoy* [then Sir CHARLES BLOUNT] being of a military turn, had ſtolen over into *France*, without the queen's knowledge, in order to ſerve in *Bretagne*, under one of her generals. Upon his return, which was haſtened too by her expreſs command, "Serve me ſo again, ſaid the queen, once more, and I will lay you faſt enough for running. You will never leave, till you are knocked o'the head, as that inconſiderate fellow SIDNEY was. You ſhall go when I ſend you. In the mean time ſee that you lodge in the court, where you may FOLLOW YOUR BOOKS, READ, AND DISCOURSE OF THE WARS." Sir ROBERT NAUNTON's FR. REG. in L. *Burleigh*.

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polies, so ruinous to the public wealth and happiness, and so perpetually complained of by her parliaments? You will say, she recalled them. She did so. But not till the general indignation had, in a manner, forced her to recal them. If by her *people*, be meant those of the poorer and baser sort only, it may be allowed she seemed on all occasions willing to spare them. But for those of better rank and fortune she had no such consideration. On the other hand, she contrived in many ways to pillage and distress them. It was the tameness of that time to submit to every imposition of the sovereign. She had only to command her gentry on any service she thought fit, and they durst not decline it. How many of her wealthiest and best subjects did she impoverish by these means (though under colour, you may be sure, of her high favour) and sometimes by her very visits? I will not be certain, added he, that her visit to this pompous castle of her own *Leicester*, had any other intention.

But what above all are we to think of her vow of celibacy, and her obstinate refusal to settle the succession, though at the constant hazard of the public peace and safety?

You are hard put to it, I perceive, interrupted Dr. *Arbuthnot*, to impeach the character of the queen in this instance, when a few penal laws, necessary to the support of her crown in that time of danger; one wrong measure of her government, and that corrected; the ordinary use of her prerogative; and even her virginity, are made crimes of. But I am curious to hear what you have to object to her ZEAL FOR THE ENGLISH GLORY, carried so high in her reign, and the single point, as it seems to me, to which all her measures and all her counsels were directed.

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The *Engliſh* glory, Mr. *Addiſon* ſaid, may, perhaps, mean the ſtate and independency of the crown, And then, indeed, I have little to object. But, in any other ſenſe of the word, I have ſometimes preſumed to queſtion with myſelf, if it had not been better conſulted by a more effectual aſſiſtance of the reformed on the continent; by a more vigorous proſecution of the war againſt *Spain* *; and, as I hinted before, by a more complete reduction of *Ireland*. But ſay we are no judges of thoſe high matters. What glory accrued to the *Engliſh* name by the inſidious dealing with the queen of *Scots*; by the vindictive proceedings againſt the duke of *Norfolk*; by the mercileſs perſecutions of the unhappy earl of *Eſſex*? The ſame ſpirit, you ſee, continued from the beginning of this reign to the end of it. And the obſervation is the better worth attending to, becauſe ſome have excuſed the queen's treatment of *Eſſex* by ſaying, "That her nature, in that decline of life, was ſomewhat clouded by apprehenſions; as the horizon, they obſerve, in the evening of the brighteſt day, is apt to be obſcured by vapours†." As if this fanci-

* It muſt not be diſſembled, that ſo good a judge of military matters as Sir WALTER RALEGH talked much in the ſame way of the conduct of the *Spaniſh* war. "If the late queen would have believed her men of war, as ſhe did her ſcribes, we had, in her time, beaten that great empire in pieces, and made their kings, kings of figs and oranges, as in old times. But *her majeſty did all by halves*, and, by petty invaſions, taught the *Spaniard* how to defend himſelf, and to ſee his own weakneſs; which, till our attempts taught him, was hardly known to himſelf." See his Works, vol. i. p. 273.—RALEGH, it may be ſaid, was of the *Cecil* faction. But the men of war, of the *Eſſex* faction, talked exactly in the ſame ſtrain; which ſhews that this might probably be the truth.

† See Sir HENRY WOTTON's *Parallel of the earl of Eſſex and duke of Buckingham*. The words, however, are a little

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ful ſimile, which illuſtrates perhaps, could excuſe the perverſeneſs of the queen's temper; or, as if that could deſerve to paſs for an incident of age, which operated through life, and ſo declares itſelf to have been the proper reſult of her nature.

You promiſed not, interpoſed Dr. *Arbuthnot*, to pry too cloſely into the ſecrets of the cabinet. And ſuch I muſt needs eſteem the points to be which you have mentioned. But enough of theſe beaten topics. I would rather attend you in the ſurvey you promiſed to take of her court, and of the princely qualities that adorned it. It is from what paſſes in the inſide of his palace, rather than from ſome queſtionable public acts, that the real character of a prince is beſt determined. And there, methinks, you have a ſcene opened to you, that deſerves your applauſe. Nothing appears but what is truly royal. Nobody knew better, than *Elizabeth*, how to ſupport the decorum of her rank. She preſided in that high orb with the dignity of a great queen. In all emergencies of danger, ſhe ſhewed a firmneſs, and on all occaſions of ceremony, a magnificence, that commanded reſpect and admiration. Her very diverſions were tempered with a ſeverity becoming her ſex and place, and which made her court, even in its lighteſt and gayeſt humours, a ſchool of virtue.

Theſe are the points, concluded he, I could wiſh you to ſpeak to. The reſt may be left to the judgment of the hiſtorian, or rather to the curioſity of the nice and critical politician.

different: "He [the earl of *Eſſex*] was to wreſtle with a queen's declining, or rather with her very ſetting age, as we may term it; which, beſides other reſpects, is commonly even of itſelf the more umbratious and apprehenſive; as for the moſt part all horizons are charged with certain vapours towards their evening." REMAINS, p. 11.

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You ſhall be obeyed, Mr. *Addiſon* ſaid. I thought it not amiſs to take off the glare of thoſe applauded qualities, which have dazzled the public, at a diſtance, by ſhewing that they were either feigned or over-rated. But I come now to unmaſk the real character of this renowned princeſs. I ſhall paint her freely indeed, but truly as ſhe appears to me. And to ſpeak my mind at once, I think it is not ſo much to her virtues, which at beſt were equivocal, as to her very VICES that we are to impute the popular admiration of her character and government.

I before took notice of the high, indecent PASSION ſhe diſcovered towards her courtiers. This fierceneſs of temper in the ſofter ſex was taken for heroiſm; and falling in with the ſlaviſh principles of the age, begot a degree of reverence in her ſubjects, which a more equal, that is, a more becoming deportment would not have produced. Hence ſhe was better ſerved than moſt of our princes, only becauſe ſhe was more feared, in other words, becauſe ſhe leſs deſerved to be ſo. But high as ſhe would often carry herſelf in this unprincely, I had almoſt ſaid, unwomanly treatment of her ſervants; awing the men by her oaths, and her women by blows; it is ſtill to be remembered, that ſhe had a great deal of natural TIMIDITY in her conſtitution.

What, interrupted Dr. *Arbuthnot* haſtily, the magnanimous *Elizabeth* a coward? I ſhould as ſoon expect this charge to have been brought againſt *Cæſar* himſelf, or your own *Marlborough*.

I diſtinguiſh, Mr. *Addiſon* ſaid, betwixt a parade of courage, put on to ſerve a turn, and keep her people in ſpirits, and that true greatneſs of mind, which, in one word, we call *magnanimity*. For this laſt, I repeat

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peat it, she either had it not, or not in the degree in which it has been ascribed to her. On the contrary, I see a littleness, a pusillanimity in her conduct on a thousand occasions. Hence it was, that both to her people and such of the neighbouring states as she stood in awe of, she used an excessive hypocrisy, which, in the language of the court, you may be sure was called policy. To the *Hollanders*, indeed, she could talk big, and it was not her humour to manage those over whom she had gained an ascendant. This has procured her, with many, the commendation of a princely magnanimity. But on the other hand, when discontents were apprehended from her subjects, or when *France* was to be diverted from any designs against her, no art was forgotten that might cajole their spirits with all the professions of cordiality and affection. Then she was *wedded*, that was the tender word, to her people: and then the interest of religion itself was sacrificed by this protestant queen to her newly perverted brother on the continent.

Her foible, in this respect, was no secret to her ministers. But above all it was practised upon most successfully by the lord *Burghley*; "For whom, as I have seen it observed, it was as necessary that there should be treasons, as for the state that they should be prevented *." Hence it was, that he was perpetually raising her fears by the discovery of some plot, or, when that was wanting, by the proposal of some law for her greater security. In short, he was for ever finding, or making, or suggesting dangers. The queen, though she would look big (for indeed she was an excellent actress) started at the shadows of those dangers, the slightest rumours. And to this convenient timidity of his mistress, so constantly alarmed, and relieved in turn by this wily minister,

* The Disparity, p. 43.

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was owing, in a good degree, that long and unrivalled intereſt he held in her favour.

Still, further, to this conſtitutional *fear* (which might be forgiven to her ſex, if it had not been ſo ſtrangely mixed with a more than maſculine ferocity in other inſtances) muſt be aſcribed thoſe favourite maxims of policy, which ran through her whole government. Never was prince more attached to the machiavilian doctrine, DIVIDE ET IMPERA, than our *Elizabeth* *. It made the ſoul of her policies, domeſtic, and foreign. She countenanced the two prevailing factions of the time. The churchmen and puritans divided her favour ſo equally, that her favourites were ſure to be the chiefs of the contending parties. Nay, her court was a conſtant ſcene of cabals and perſonal animoſities. She gave a ſecret, and ſometimes an open countenance to theſe jealouſies.

* This account of her policy ſeems confirmed by what we read in the DISPARITY, before cited. "That trick of countenancing and protecting factions (as that queen, almoſt her whole reign, did with ſingular and equal demonſtration of grace look upon ſeveral perſons of moſt diſtant wiſhes one towards another) was not the leaſt ground of much of her quiet and ſucceſs. And ſhe never doubted but that men, that were never ſo oppoſite in their good will each to others, nor never ſo diſhoneſt in their projectments for each others confuſion, might yet be reconciled in their allegiance towards her. Inſomuch, that during her whole reign, ſhe never endeavoured to reconcile any perſonal differences in the court, though the unlawful emulations of perſons of neareſt truſt about her, were ever like to overthrow ſome of her chiefeſt deſigns: *A policy, ſeldom entertained by princes, eſpecially if they have iſſues to ſurvive them.*" p. 46. Her own hiſtorian, it is true, ſeems a little ſhy of acknowledging this conduct of the queen, with regard to her nobility and miniſters. But he owns, "She now and then took a pleaſure (and not unprofitably) in the emulation and privy grudges of her women." *Camden's* ELIZABETH, p. 79. fol, *Lond.* 1688.

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The ſame principle directed all her foreign * negotiations.

And are not you aware, interrupted Dr. *Arbuthnot*, that this objected policy is the very topic that I, and every other admirer of the queen, would employ in commendation of her great ability in the art of government? It has been the fate of too many of our princes, and perhaps ſome late examples might be given, to be governed and even inſulted by a prevailing party of their own ſubjects. *Elizabeth* was ſuperior to ſuch attempts. She had no bye-ends to purſue. She frankly threw herſelf on her people. And ſecure in their affection could defeat at pleaſure, or even divert herſelf with the intrigues of this or that aſpiring faction.

We underſtand you, Mr. *Addiſon* replied; but when two parties are contending within a ſtate, and one of them only in its true intereſt, the policy is a little extraordinary that ſhould incline the ſovereign to diſcourage *this*, from the poor ambition of controlling *that*, or, as you put it ſtill worſe, from the dangerous humour of playing with *both* parties. I ſay nothing of later times. I only aſk, if it was indifferent whether the counſels of the CECILS, or of LEYCESTER were predominant in that reign? But I mentioned theſe things before, and I touch them again now only to ſhew you, that this conduct, however it may be varniſhed over by the name of wiſdom, had too much the air of fearful womaniſh intrigue to conſiſt with that heroical firmneſs and intrepidity, ſo commonly aſcribed to queen *Elizabeth* †.

* We find an intimation to this purpoſe, in a writer of credit, at leaſt with reſpect to the *Dutch* and *Ireland*—"Jam et *divulſam* Hiberniam, et in Batavis Angli militis *ſeditiones*, velut JUSSAS, erant qui exprobrarent." GROTII ANNAL. l. xii. p. 432.

† It muſt not be concealed, that ſomething like this was obſerved of her diſpoſition by Sir JAMES MELVIL. After

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And what if after all I ſhould admit, replied Dr. *Arbuthnot*, that, in the compoſition of a woman's courage, at leaſt, there might be ſome ſcruples of diſcretion? Is there any advantage, worth contending for, you could draw from ſuch a conceſſion? Or, becauſe you would be thought ſerious, I will put the matter more gravely. The arts of prudence, you arraign ſo ſeverely, could not be taken for puſillanimity. They certainly were not, in her own time, for ſhe was not the leſs eſteemed or revered by all the nations of *Europe* on account of them. The moſt you can fairly conclude is, that ſhe knew how to unite addreſs with bravery, and that, on occaſion, ſhe could *diſſemble* her high ſpirit. The difficulties of her ſituation obliged her to this management.

Rather ſay at once, returned Mr. *Addiſon*, that the conſtant diſſimulation, for which ſhe was ſo famous, was aſſumed to ſupply the want of a better thing, which had rendered all thoſe arts as unneceſſary as they were ignoble.

But *haughtineſs*, and *timidity*, purſued he, were not the only vices that turned to good account in the queen's hands. She was frugal beyond all bounds of decorum in a prince, or rather AVARICIOUS beyond all reaſonable excuſe from the public wants and

having related to his miſtreſs, the queen of *Scots*, the ſtrong profeſſions of friendſhip which the queen of *England* had made to him, "She [the queen of *Scots*] enquired, ſays he, whether I thought that queen meant truly toward her inwardly in her heart, as ſhe appeared to do outwardly in her ſpeech. I anſwered freely, that, in my judgment, there was neither plain dealing, nor upright meaning, but great diſſimulation, emulation, and FEAR, leſt her princely qualities ſhould over ſoon chace her from her kingdom, &c. MEMOIRS, p. 53.

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the ſtate of her revenue. Nothing is more certain than this fact, from the allowance both of friends and enemies. It ſeems as if, in this reſpect, her father's example had not been ſufficient; and that, to complete her character, ſhe had incorporated with many of his, the leading vice of her grand-father.

Here Dr. *Arbuthnot* could not contain himſelf; and the caſtle happening at that time, from the point where they ſtood, to preſent the moſt ſuperb proſpect, "Look there, ſaid he, on the ſtriking, though ſmall remnants of that grandeur you juſt now magnified ſo much, and tell me if, in your conſcience, you can believe ſuch grants are the ſigns, or were the effects of avarice. For you are not to learn, that this palace before us is not the only one in the kingdom, which bears the memory of the queen's bounty to her ſervants.

Mr. *Addiſon* ſeemed a little ſtruck with the earneſtneſs of this addreſs; "It is true, ſaid he, the queen's fondneſs for one or two of her favourites made her ſometimes laviſh of her grants; eſpecially of what coſt her nothing, and did not, it ſeems, offend the delicacy of her ſcruples, I mean of the *church-lands*. But at the ſame time her treaſury was ſhut againſt her ambaſſadors and foreign miniſters; who complain of nothing more frequently than the ſlenderneſs of their appointments, and the ſmall and ſlow remittances, that were made to them. This frugality (for I muſt not call it by a worſe name) diſtreſſed the public ſervice on many occaſions *; and would have done it on more, if the zeal of her truſty ſervants had not been content

* Secretary *Walſingham*, in a letter to the queen, *Sept.* 2, 1581, amongſt other things to the ſame purpoſe, has the following words—"*Remember*, I humbly beſeech your majeſty, *the reſpect of charges hath loſt* Scotland: and I would to God I had no cauſe to think, that *it might put your highneſs in peril of the loſs of* England." "And even the Lord

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to carry it on at the expence of their own fortunes. How many inſtances might be given of this, if ONE were not more than ſufficient, and which all poſterity will remember with indignation!

You ſpeak of *Walſingham*, interpoſed Dr. *Arbuthnot*. But were it not more candid to impute the poverty of that miniſter to his own generous contempt of riches, which he had doubtleſs many fair occaſions of procuring to himſelf, than to any deſigned neglect of him by his miſtreſs?

The candour, returned Mr. *Addiſon*, muſt be very extraordinary that can find an excuſe for the queen in a circumſtance that doubles her diſgrace. But be it as you pretend. The uncommon moderation of the man ſhall be a cover to the queen's parſimony. It was not, we will ſay, for this wiſe princeſs to provoke an appetite for wealth in her ſervants: it was enough that ſhe gratified it, on proper occaſions, where ſhe found it already raiſed. And in this proceeding, no doubt, ſhe was governed by a tender regard for their honour, as well as her own intereſt. For how is her great ſecretary ennobled by filling a place in the ſhort liſt of thoſe worthies, who, having lived and died in the ſervice of their countries, have left not ſo much as a pittance behind them to carry them to their graves! All this is very well. But when ſhe had indulged this humour in one or two of her favourites, and ſuffered them, for example's ſake, to aſcend to theſe heights of honour, it was going, methinks,

Treaſurer himſelf (we are told) in a letter ſtill extant in the paper-office, written in the critical year 1588, while the *Spaniſh* armada was expected againſt *England*, excuſes himſelf to Sir *Edward Stafford*, then embaſſador in *France*, for not writing to him oftner, *on account of her majeſty's unwillingneſs to be at the expence of meſſengers.*" Sir T. EDMONDE's State-papers, by Dr. *Birch*, p. 21.

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a little too far to expect the same delicacy of virtue of all her courtiers. Yet it was not her fault, if most of them did not reap this fame of illustrious poverty, as well as *Walsingham*. She dealt by them, indeed, as if she had ranked poverty, as well as celibacy, among the cardinal virtues.

In the mean time I would not deny that she had a princely fondness for shew and appearance. She took a pride in the brilliancy of her court. She delighted in the large trains of her nobility. She required to be royally entertained by them. And she thought her honour concerned in the figure they made in foreign courts, and in the wars. But, if she loved this pomp, she little cared to furnish the expence of it. She considered in good earnest (as some have observed, who would have the observation pass for a compliment *) *the purses of her subjects as her own*; and seemed to reckon on their being always open to her on any occasion of service, or even ceremony. She carried this matter so far, that the very expences of her wars were rather defrayed out of the private purses of her nobility, than the public treasury. As if she had taken it for a part of her *prerogative* to impoverish her nobles at pleasure; or rather, as if she had a mind to have it thought that one of their *privileges* was to

* One of these complaisant observers, I suppose, was the writer of *the Description of England*, who, speaking of the variety of the queen's houses, checks himself with saying, "But what shall I need to take upon me to repeat all, and tell what houses the queen's majesty hath? Sith ALL IS HIRS, and when it pleaseth hir in the summer season to recreate herself abroad, and view the estate of the countrie, and hear the complaints of hir unjust officers or substitutes, *every nobleman's house is hir palace*, where she continueth during pleasure, and till she returne againe to some of her owne, in which she remaineth as long as pleaseth hir." p. 196.

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be allowed to ruin themſelves from a zeal to her ſervice.

But the queen's avarice, proceeded he, did not only appear from her exceſſive parſimony in the management of the public treaſure, but from her rapacity in getting what ſhe could from particulars into her privy purſe. Hence it was, that all offices, and even perſonal favours were, in a manner, ſet to ſale. For it was a rule with her majeſty, to grant no ſuit but for a reaſonable conſideration. So that whoever pretended to any place of profit or honour, was ſure to ſend a jewel, or other rich preſent beforehand to prepare her mind for the entertainment of his petition. And to what other purpoſe was it that ſhe kept her offices ſo long vacant, but to give more perſons an opportunity of winning a preference in her favour? Which for the moſt part inclined to thoſe who had appeared in this interval, to deſerve it beſt. Nay, the ſlighteſt diſguſt, which ſhe frequently took on very frivolous occaſions, could not be got over but by the reconciling means of ſome valuable or well-fancied preſent. And what was moſt grievous, ſhe ſometimes accepted the preſent without remitting the offence.

I remember a very ridiculous inſtance of this ſort. When the lady *Leiceſter* wanted to obtain the pardon of her unfortunate ſon, the lord *Eſſex*, ſhe preſented the queen with an exceeding rich gown to the value of above an hundred pounds. She was well pleaſed with the gift, but thought no more of the pardon. We need not, after this, wonder at what is ſaid of her majeſty's leaving a prodigious quantity of jewels and plate behind her, and even a *crouded ward-robe*. For ſo prevalent was this thrifty humour in the queen's highneſs, that ſhe could not perſuade herſelf to part

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with ſo much as a caſt-gown to any of her ſervants *.

* Perhaps they had no need of ſuch favours. It ſeems as if they had provided for themſelves another way. One of her ladies, the lady EDMONDES, had been applied to for her intereſt with the queen in a certain affair of no great moment, then depending in the court of Chancery. The perſon, commiſſioned to tranſact this matter with her ladyſhip, had offered her a 100 *l.* which ſhe treated *as too ſmall a ſum.* The relater of this fact adds—"This ruffianry of cauſes I am daily more and more acquainted with, and ſee the manner of dealing, which cometh of the queen's *ſtraitneſs* to give theſe women, whereby they preſume thus to grange and truck cauſes." See a letter in MEM. of Q. ELIZABETH, by Dr. *Birch*, vol. i. p. 354. But this 100 *l.* as the virtuous lady *Edmondes* ſays, was *a ſmall ſum.* It appears, that biſhop FLETCHER, on his tranſlation to *London*, "Beſtowed in allowances and gratifications to divers attendants [indeed we are not expreſly told, they were *female*] about her majeſty, the ſum of 3100 *l.* which money was given by him, for the moſt part of it, *by her majeſty's direction and ſpecial appointment.*" Mem. vol. ii. p. 113. And the curioſity is to find this minute of epiſcopal *gratifications* in a petition preſented to the queen herſelf, "To move her majeſty in commiſeration towards the orphans of this biſhop."—However, to do the ladies juſtice, the contagion of bribery was ſo general in that reign, that the greateſt men in the court were infected by it. The lord keeper PUCKERING, it ſeems, had a finger in the affair of the 100 *l.*; nay, himſelf ſpeaks to the lady to get him commanded by the queen to favour the ſuit. And we are told, that Sir *W. Raleigh* had no leſs than 10,000 *l.* for his intereſt with the queen on a certain occaſion, after having been invited to this ſervice by the fineſt letter that ever was written.—Indeed it is not ſaid how much of this ſecret ſervice money went *in allowances and gratifications to the attendants about the queen's majeſty*, vol. ii. p. 497. After all, the editor pretends only to relate theſe facts juſt as he found them. For, whether they are to be accounted for from *the ſtraitneſs* of the queen, as is here inſinuated—from the influence of her own example—or the diſpoſition of the parties themſelves—this is a point which he does not take upon himſelf to determine.

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You allow yourſelf to be very gay, replied Dr. *Arbuthnot*, on this foible of the great queen. But one thing you forget, that it never biaſſed her judgment ſo far as to prevent a fit choice of her ſervants on all occaſions *. And, as to her wary management of the public revenue, which you take a pleaſure to exaggerate, this, methinks, is a venial fault in a prince who could not, in her circumſtances, have provided for the expences of government, but by the niceſt and moſt attentive œconomy.

I underſtand, replied Mr. *Addiſon*, the full force of that conſideration, and believe it was that *attention* principally, which occaſioned the popularity of her government, and the high eſteem in which the wiſdom of her adminiſtration is held to this day. The bulk of her ſubjects were, no doubt, highly pleaſed to find themſelves ſpared on all occaſions of expence. And it ſerved, at the ſame time, to gratify their natural envy of the great to find that *their* fortunes were firſt and principally ſacrificed to the public ſervice. Nay, I am not ſure that the very rapacity of her nature, in the ſale of her offices, was any objection with the people at large, or even the lower gentry of the kingdom. For theſe, having no pretenſions themſelves to thoſe offices, would be well enough pleaſed to ſee them, not *beſtowed* on their betters, but dearly purchaſed by them. And then this traffic at court furniſhed the inferior gentry with a pretence for making the moſt of their magiſtracies. This practice at leaſt muſt have been very notorious amongſt them,

* This conſideration hath its weight. And it is but fit that a great man of thoſe times ſhould take the full benefit of it. The truth is, the lord *Bacon* made this very excuſe for his bribery; as he had learnt, perhaps, the trade itſelf from his royal miſtreſs. It was a rule with this great chancellor, "Not to ſell injuſtice, but never to let juſtice go ſcot-free."

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when a facetious member of the lower houſe could define a juſtice of peace to be, "A living creature, that, for half a dozen of chickens, will diſpenſe with a whole dozen of penal ſtatutes *." But however this be, the queen's ends, in every view, were abundantly anſwered. She enriched herſelf: ſhe gained the affections of the people, and depreſſed and weakened the nobility. And by all theſe ways ſhe effectually provided for, what ſhe had ever moſt at heart, her own abſolute and uncontrolled authority.

And is that to be wondered at in a great prince, returned Dr. *Arbuthnot?* Or, to take the matter in the light you place it, what if the queen had ſo much of her ſex † and family in her diſpoſition, as to like well enough to have her own way, is this ſuch a crime as you would make of it? If ſhe loved power, it was not to make a wanton or oppreſſive uſe of it. And if all princes knew as well to bound their own wills, as ſhe did, we ſhould not much complain of

* I find this particular in *Hiſt. Collections*, by *H. Townſhend*, Eſq; p. 268. *Lond.* 1680. The lord keeper too, in a ſpeech in the ſtar-chamber, confirms this charge on the country juſtices, "The thirſt, ſays he, after this authority, proceedeth from nothing but an ambitious humour of gaining of Reputation amongſt their neighbours; that ſtill, when they come home, *they may be preſented with preſents.*" ibid. p. 355.

† When the queen declared to Sir *James Melvil* her reſolution of virginity, "I know the truth of that, madam, (ſaid he) you need not tell it me. Your majeſty thinks if you were married, you would be but queen of *England*; and now you are both king and queen. *I know your ſpirit cannot endure a commander.*" MEM. p. 49. This was frank. But Sir *James Melvil* was too well ſeen in courts to have uſed this language, if he had not underſtood it would be welcome. Accordingly, the queen's highneſs did not ſeem diſpleaſed with the imputation.

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their impatience to be under the control of their ſubjects.

I am ſorry, ſaid Mr. *Addiſon*, that the acts of her reign will not allow me to come into this opinion of her moderation. On the other hand, her government appears to me, in many inſtances, OPPRESSIVE and highly prejudicial to the antient rights and privileges of her people. For what other conſtruction can we make of her frequent interpoſition to reſtrain the counſels of their repreſentatives in parliament; threatening ſome, impriſoning others, and ſilencing all with the thunder of her prerogative? Or, when ſhe had ſuffered their counſels to ripen into bills, what ſhall we ſay of her high and mighty rejection of them, and that not in ſingle and extraordinary caſes, but in matters of ordinary courſe, and by dozens? I paſs by other inſtances. But was her *moderation* ſeen in dilapidating the revenues of the church? Of that church, which ſhe took under the wing of her ſupremacy, and would be thought to have ſheltered from all its enemies *? The honeſt archbiſhop *Parker*, I have heared, ventured to remonſtrate againſt this

* It is certain, this was a common topic of complaint againſt the queen, or at leaſt her miniſters. Which gave occaſion to that reproof of the poet *Spenſer*, which the perſons concerned could hardly look upon as very decent,

"Scarce can a biſhoprick forepaſs them bye,
But that it muſt be gelt in privity."
Mother *Hubbard's Tale*.

But a biſhop of that time carries the charge ſtill further. In one of his ſermons at court before the queen, "Parſonages and vicarages, ſays he, ſeldom paſs now-a-days from the patron, but either for the leaſe, or the preſent money. Such merchants are broken into the church of God, a great deal more intolerable than were they, whom *Chriſt* whipped out of the temple."—This language is very harſh, and ſurely not deſerved by the proteſtant patrons of thoſe days, who were only, as we may ſuppoſe, for reducing the church of *Chriſt* abuſe,

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abuſe, the cogniſance of which came ſo directly within his province. But to what effect, may be gathered, not only from the continuance of theſe depredations, but her ſevere reprehenſion of another of her biſhops, whom ſhe threatened with an oath to UNFROCK—that was her majeſty's own word—if he did not immediately give way to her princely extortions.

It may be hardly worth while to take notice of ſmaller matters. But who does not reſent her capricious tyranny in diſgracing ſuch of her ſervants as preſumed to deviate, on any pretence, from her good pleaſure; nay, ſuch as gave an implicit obedience to her will, if it ſtood with her intereſt to diſgrace them? Something, I know, may be ſaid to excuſe the proceedings againſt the queen of *Scots*. But the fate of DAVISON will reflect eternal diſhonour on the policy with which that meaſure was conducted.

I run over theſe things haſtily, continued Mr. *Addiſon*, and in no great order, but you will ſee what to conclude from theſe hints; which, taken together, I believe, may furniſh a proper anſwer to the moſt conſiderable parts of your apology.

To ſum it up in few words. Thoſe two great events of her time, THE ESTABLISHMENT OF THE REFORMATION, and THE TRIUMPH OVER THE POWER OF SPAIN, caſt an uncommon luſtre on the reign of *Elizabeth*. Poſterity, dazzled with theſe obvious ſucceſſes, went into an exceſſive admiration of her perſonal virtues. And what has ſerved to

to its pure and primitive ſtate of indigence and ſuffering. How edifying is it to hear St. *Paul* ſpeak of his being—*in hunger and thirſt, in faſtings often, in cold and nakedneſs!*" And how perfectly reformed would our church be, if its miniſters were but once more in this bleſſed apoſtolical condition!

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brighten them the more, is the place in which we chance to find her, between the bigot queen on the one hand, and the pedant king on the other. No wonder then that on the firſt glance her government appear able and even glorious. Yet in looking into particulars, we find that much is to be attributed to fortune, as well as ſkill; and that her glory is even leſſened by conſiderations, which, on a careleſs view, may ſeem to augment it. The difficulties, ſhe had to encounter, were great. Yet theſe very difficulties, of themſelves, created the proper means to ſurmount them. They ſharpened the wits, inflamed the ſpirits, and united the affections of a whole people. The name of her great enemy on the continent, at that time, carried terror with it. Yet his power was, in reality, much leſs than it appeared. The *Spaniſh* empire was corrupt and weak, and tottered under its own weight. But this was a ſecret even to the *Spaniard* himſelf. In the mean time, the confidence, which the opinion of great ſtrength inſpires, was a favourable circumſtance. It occaſioned a remiſſneſs and neglect of counſel on one ſide in proportion as it raiſed the utmoſt vigilance and circumſpection on the other. But this was not all. The religious feuds in the low countries—the civil wars in *France*—the diſtractions of *Scotland*—all concurred to advance the fortunes of *Elizabeth*. Yet all had, perhaps, been too little in that grand criſis of her fate, and, as it fell out, of her glory, if the conſpiring elements themſelves had not fought for her.

Such is the natural account of her foreign triumphs. Her domeſtic ſucceſſes admit as eaſy a ſolution. Thoſe external dangers themſelves, the genius of the time, the ſtate of religious parties, nay, the very factions of her court, all of them directly, or by the ſlighteſt application of her policy, adminiſtered to her greatneſs. Such was the condition of the times,

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times, that it forced her to assume the semblance, at least, of some popular *virtues:* and so singular her fortune, that her very *vices* became as respectable, perhaps more useful to her reputation, than her virtues. She was vigilant in her counsels; careful in the choice of her servants; courteous and condescending to her subjects. She appeared to have an extreme tenderness for the interests, and an extreme zeal for the honour of the nation. This was the bright side of her character; and it shone the brighter from the constant and imminent dangers to which she was exposed. On the other hand, she was choleric, and imperious; jealous, timid, and avaricious; oppressive, as far as she durst; in many cases capricious, in some tyrannical. Yet these vices, some of them sharpened and refined her policy, and the rest operating chiefly towards her courtiers and dependents, strengthened her authority, and rooted her more firmly in the hearts of the people. The mingled splendor of these qualities, good and bad (for even her worst had the luck, when seen but on one side, or in well-disposed lights, to look like good ones) so far dazzled the eyes of all, that they did not, or would not, see many outrageous acts of tyranny and oppression.

And thus it hath come to pass that, with some ability, more cunning, and little real virtue, the name of *Elizabeth* is, by the concurrence of many accidental causes, become the most revered of any in the long roll of our princes. How little she merited this honour may appear from this slight sketch of her character and government. Yet, when all proper abatement is made in both, I will not deny her to have been a great, that is, a *fortunate* queen; in this, perhaps, the most fortunate that she has attained to so unrivalled a glory with so few pretensions to deserve it.

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And ſo, replied Dr. *Arbuthnot*, you have concluded your invective in full form, and rounded it, as the antient orators uſed to do, with all the advantage of a peroration. But ſetting aſide this trick of eloquence, which is apt indeed to confound a plain man, unuſed to ſuch artifices, I ſee not but you have left the argument much as you took it up; and that I may ſtill have leave to retain my former reverence for the good old times of queen *Elizabeth*. It is true, ſhe had ſome foibles. You have ſpared, I believe, none of them. But, to make amends for theſe defects, let but the hiſtory of her reign ſpeak for her, I mean in its own artleſs language, neither corrupted by flattery, nor tortured by invidious gloſſes; and we muſt ever conceive of her, I will not ſay as the moſt faultleſs, perhaps not the moſt virtuous, but ſurely the moſt able, and, from the ſplendor of ſome leading qualities, the moſt glorious of our *Engliſh* monarchs.

To give you my notion of her in few words.—For the diſpute, I find, muſt end, as moſt others uſually do, in the ſimple repreſentation of our own notions.—She was diſcreet, frugal, provident, and ſagacious: intent on the purſuit of her great ends, *the eſtabliſhment of religion*, and *the ſecurity and honour of her people*: prudent in the choice of the beſt *means* to effect them, the employment of able ſervants, and the management of the public revenue: dextrous at improving all advantages which her own wiſdom, or the circumſtances of the times gave her: fearleſs and intrepid in the execution of great deſigns, yet careful to unite the deepeſt foreſight with her magnanimity. If ſhe ſeemed AVARICIOUS, let it be conſidered that the niceſt frugality was but neceſſary in her ſituation: if IMPERIOUS, that a female government needed to be made reſpectable by a ſhew of authority: and if at any time OPPRESSIVE, that the *Engliſh* conſtitution,

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tion *, as it then ſtood, as well as her own nature, had a good deal of that bias.

In a word, let it be remembered, that ſhe had the honour of ruling †, perhaps of forming, the wiſeſt, the braveſt, the moſt virtuous people, that have adorned any age or country; and that ſhe advanced the glory of the *Engliſh* name and that of her own dignity to a height which has no parallel in the annals of our nation.

Mr. *Digby*, who had been very attentive to the courſe of this debate, was a little diſappointed with the concluſion of it. He had thought to have ſettled his judgment of this reign by the information his two friends ſhould afford him. But he found himſelf rather perplexed by their altercations, than convinced by them. He owned, however, the pleaſure they had given him; and ſaid, he had profited ſo much at leaſt by the occaſion that, for the future, he ſhould conceive with ſomething leſs reverence of the great queen, and ſhould proceed with leſs prejudice to form his opinion of her character and adminiſtration.

* This, I believe, is the common opinion. And a late writer has taken advantage of it to work up a ſpecious apology for the houſe of STUART. Much might be ſaid in confutation of this dangerous hypotheſis. But it ſo happens, that the curious reader will find the whole argument diſcuſſed at large in the two following dialogues, *On the conſtitution of the Engliſh government.*

† It was this circumſtance that ſeemed to weigh moſt with the lord chancellor BACON; who, in his ſhort tract, *In felicem memoriam Elizabethæ*, ſaith, "Illud cogitandum cenſeo, in quali populo imperium tenuerit: ſi enim in Palmyrenis, aut Aſiâ imbelli et molli regnum ſortita eſſet, minùs mirandum fuiſſet—verùm in ANGLIA, *natione ferociſſimâ et bellicoſiſſimâ*, omnia ex nutu fœminæ moveri et cohiberi potuiſſe, SUMMAM MERITO ADMIRATIONEM HABET.

Mr.

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Mr. *Addiſon* did not appear quite ſatisfied with this ſceptical concluſion; and was going to enforce ſome things which he thought had been touched too ſlightly *, when Dr. *Arbuthnot* took notice that their walk was now at an end; the path, they had taken, having by this time brought them round again to the walls of the caſtle. Beſides, he ſaid, he found himſelf much wearied with this exerciſe, though the warmth of debate, and the opportunities he took of reſting himſelf at times, had kept him from complaining of it. He propoſed therefore getting into the coach as ſoon as poſſible; where, though the converſation was in ſome ſort reſumed, there was nothing material enough advanced on either ſide to make it neceſſary for me to continue this recital any further.

* In concluſion, I muſt be ſo juſt to own, that if any thing could ſhake the authenticity of theſe dialgues, *on the age of Elizabeth*, it is, "That Mr. *Addiſon*, who all along takes ſuch liberties with the queen's character and government, finds occaſion to ſpeak, very differently, of both, in his *Freeholder*, publiſhed in the beginning of this very year."

But the judicious reader will obſerve, that the *Freeholder* was a party paper, written with a view to the ſtate of the nation at that time; and that therefore his panegyrics on *Elizabeth* are to be taken only as popular topics, or, as they ſay, arguments *ad hominem*, that is, to the tories, who idolized her memory, and whom it was his purpoſe to convince or gain upon in that political work.—What he thought fit to ſay, therefore, in compliance with their prejudices, is very conſiſtent with the real ſentiments we find him delivering in theſe converſations.

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DIALOGUE V.

ON THE

CONSTITUTION

OF THE

ENGLISH GOVERNMENT.

Sir JOHN MAYNARD, Mr. SOMERS, Biſhop BURNET.

Written in the Year 1689.

, Tum GENITOR, veterum volvens monumenta virorum,
Audite, ô Proceres, ait, et ſpes diſcite veſtras. VIRG.

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DIALOGUE V.

Sir JOHN MAYNARD, Mr. SOMERS, Biſhop BURNET*.

To Dr. TILLOTSON.

THOUGH the principles of nature and common ſenſe do fully authorize reſiſtance to the civil magiſtrate in extreme caſes, and, of courſe, juſtify the late revolution to every candid and diſpaſſionate man; yet I am ſenſible, my excellent friend, there are many prejudices which hinder the glorious proceedings in that affair from being ſeen in their true light. The principal of them, indeed, are founded on falſe ſyſtems of policy, and thoſe tied down on the conſciences of men by wrong notions of religion. And ſuch as theſe, no doubt, through the experience of a better government, and a juſter turn of thinking, which may be expected to prevail in our times, will gradually fall away of themſelves. But there is another ſet of notions on

* Though the manuſcript, from which the following dialogues are printed, be certainly not in biſhop *Burnet's* own hand, there are all the marks in the world, even to the defect of the compoſition, of their having been written by that prelate.—The ſubject is ſo much above the Editor's abilities to comment upon, that he preſumes only to point here and there to an authority, which he hath caſually picked up, in ſupport of ſome of the more remarkable things, advanced in the courſe of the converſation.

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this ſubject, not ſo eaſy to be diſcredited, and which are likely to keep their hold on the minds even of the more ſober and conſiderate ſort of men. For whatever advantage the cauſe of liberty may receive from general reaſonings on the origin and nature of civil government, the greater part of our countrymen will conſider, and perhaps rightly, the enquiry into the conſtitution of their *own* government, as a queſtion of FACT; that muſt be tried by authorities and precedents only; and decided at laſt by the evidence of hiſtorical teſtimony, not by the concluſions of philoſophy or political ſpeculation.

Now, though we are agreed that this way of managing the controverſy muſt, when fully and fairly purſued, be much in favour of the new ſettlement, yet neither, I think, is it for every man's handling, nor is the evidence reſulting from it of a nature to compel our aſſent. The argument is formed on a vaſt variety of particulars, to be collected only from a large and intimate acquaintance with the antiquities, laws, and uſages of the kingdom. Our printed hiſtories are not only very ſhort and imperfect; but the original records, which the curious have in their poſſeſſion, are either ſo obſcure or ſo ſcanty, that a willing adverſary hath always in readineſs ſome objection or ſome cavil at leaſt, to oppoſe to the evidence that may be drawn from them. Beſides, appearances, even in the plaineſt and moſt unqueſtioned parts of our hiſtory, are ſometimes ſo contradictory; ariſing either from the tyranny of the prince, the neglect of the people, or ſome other circumſtance of the times; and, to crown all, the queſtion itſelf hath been ſo involved by the diſputations of prejudiced and deſigning men, that the more intelligent enquirer is almoſt at a loſs to determine for himſelf, on which ſide the force of evidence lies.

On

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On this account I have frequently thought with myſelf, that a right good CONSTITUTIONAL HISTORY of *England* would be the nobleſt ſervice that any man, duly qualified for the execution of ſuch a work, could render to his country. For though, as I ſaid, the ſubject be obſcure in itſelf, and perplexed by the ſubtilties which contending parties have invented for the ſupport of their ſeveral ſchemes, yet, from all I have been able to obſerve from the courſe of my own reading, or converſation, there is little doubt but that the form of the *Engliſh* government hath, at all times, been FREE. So that if ſuch a hiſtory were drawn up with ſufficient care out of our authentic papers and public monuments, it would not only be matter of entertainment to the curious, but the greateſt ſecurity to every *Engliſhman* of his religious and civil rights. For what can be conceived more likely to preſerve and perpetuate theſe rights, than the ſtanding evidence which ſuch a work would afford, of the genuin ſpirit and temper of the conſtitution? Of the principles of freedom *, on which it

* Theſe *principles*, as appears from what follows, are thoſe of the feudal law. And, to ſee how much in earneſt the biſhop was in recommending this ſtudy to the *Engliſh* youth, it was upon theſe very principles that he explained the conſtitution of the *Engliſh* government to his royal pupil. This we learn from his own words — Speaking of the duke of *Gloceſter*, "I acquainted him, ſays he, with all the great revolutions that had been in the world, and gave him a copious account of the *Greek* and *Roman* hiſtories, and of *Plutarch's* lives: the laſt thing I explained to him was the Gothic conſtitution, and the BENEFICIARY AND FEUDAL LAWS."—[HIST. *of his own times*, vol. iv. p. 357. *Eding.* 1753.] Without doubt the biſhop's inſtructions on the laſt head were taken from this very converſation of Sir *J. Maynard*; which raiſes one's idea of it very much, and will induce the reader to conſider it, not ſo much in the light of a private debate, as of a royal lecture.

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was formed, and on which it hath been continually and uniformly conducted? Our youth, who at preſent amuſe themſelves with little more than the military part of our annals, would then have an eaſy opportunity of ſeeing to the bottom of all our civil and domeſtic broils. They would know on what pretences the PREROGATIVE of our kings hath ſometimes aſpired to exalt itſelf above controul; and would learn to revere the magnanimity of their forefathers, who as conſtantly ſucceeded in their endeavours to reduce it within the antient limits and boundaries of the LAW. In a word, they would no longer reſt on the ſurface and outſide, as it were, of the *Engliſh* affairs, but would penetrate the interior parts of our conſtitution; and furniſh themſelves with a competent degree of civil and political wiſdom; the moſt ſolid fruit, that can be gathered from the knowledge and experience of paſt times.

And I am ready to think that ſuch a proviſion, as this, for the inſtruction of the *Engliſh* youth, may be the more requiſite, on account of that limited, yet awful form of government under which we live. For, beſides the name, and other enſigns of majeſty, in common with thoſe who wear the moſt deſpotic crowns, the whole execution of our laws, and the active part of government is in the hands of the prince. And this pre-eminence gives him ſo reſpectable a figure in the eyes of his ſubjects, and preſents him ſo conſtantly, and with ſuch luſtre of authority to their minds, that it is no wonder they are ſometimes diſpoſed to advance him from the rank of firſt magiſtrate of a free people, into that of ſupreme and ſole arbiter of the laws.

So that, unleſs theſe prejudices are corrected by the knowledge of our conſtitutional hiſtory, there is conſtant reaſon to apprehend, not only that the royal authority

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authority may ſtretch itſelf beyond due bounds; but may grow, at length, into that enormous tyranny, from which this nation hath been at other times ſo happily, and now of late ſo wonderfully redeemed.

But I ſuffer myſelf to be carried by theſe reflexions much further than I deſigned. I would only ſay to you, that, having ſometimes reflected very ſeriouſly on this ſubject, it was with the higheſt pleaſure I heard it diſcourſed of the other day by two of the moſt accompliſhed lawyers of our age: the venerable Sir JOHN MAYNARD, who, for a long courſe of years, hath maintained the full credit and dignity of his profeſſion; and Mr. SOMERS, who, though a young man, is riſing a-pace, and with proportionable merits, into all the honours of it.

I was very attentive, as you may ſuppoſe, to the progreſs of this remarkable converſation; and, as I had the honour to bear a full ſhare in it myſelf, I may the rather undertake to give you a particular account of it. I know the pleaſure you will have in ſeeing a ſubject, you have much at heart, and which we have frequently talked over in the late times, thoroughly canvaſſed, and cleared up, as I think it muſt be, to your entire ſatisfaction.

IT WAS within a day or two after that great event, ſo pleaſing to all true *Engliſhmen*, THE CORONATION OF THEIR MAJESTIES *, that Mr. *Somers* and I went, as we ſometimes uſed, to paſs an evening with our excellent friend, my Lord Commiſſioner †. I ſhall not need to attempt his character to you, who know him ſo well. It is enough to ſay, that his faculties and ſpirits are even, in this maturity of age, in great

* On *April* xi. 1689.

† Of the great ſeal.—The other lawyers in commiſſion were KECK and RAWLINSON.

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vigour. And it ſeems as if this joyful revolution, ſo agreeable to his hopes and principles, had given a freſh ſpring and elaſticity to both.

The converſation of courſe turned on the late auguſt ceremony; the mention of which awakened a ſort of rapture in the good old man, which made him overflow in his meditations upon it. Seeing us in admiration of the zeal, which tranſported him, "Bear with me, ſaid he, my young friends. Age, you know, hath its privilege. And it may be, I uſe it ſomewhat unreaſonably. But I, who have ſeen the prize of liberty contending for through half a century, to find it obtained at laſt by a method ſo ſure, and yet ſo unexpected, do you think it poſſible that I ſhould contain myſelf on ſuch an occaſion? Oh, if ye had lived with me in thoſe days when ſuch mighty ſtruggles were made for public freedom, when ſo many wiſe counſels miſcarried, and ſo many generous enterprizes concluded but in the confirmation of lawleſs tyranny; if, I ſay, ye had lived in thoſe days, and now at length were able to contraſt with me, to the tragedies that were then acted, this ſafe, this bloodleſs, this complete deliverance; I am miſtaken, if the youngeſt of you could reprove me for this joy, which makes me think I can never ſay enough on ſo delightful a ſubject.

Bp. BURNET.

Reprove you, my lord? Alaſs, we are neither of us ſo unexperienced in what hath paſſed of late in theſe kingdoms, as not to rejoice with you to the utmoſt for this aſtoniſhing deliverance. You know, I might boaſt of being among the firſt that wiſhed for, I will not ſay projected, the meaſures by which it hath been accompliſhed. And for Mr. *Somers*, the church of *England* will tell——

I con-

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Mr. SOMERS.

I confeſs, my warmeſt wiſhes have ever gone along with thoſe who conducted this noble enterprize. And I pretend to as ſincere a pleaſure, as any man, in the completion of it. Yet, if it were not unreaſonable at ſuch a time, I might be tempted to mention one circumſtance which, I know not how, a little abates the joy of theſe triumphant gratulations.

Sir J. MAYNARD.

Is not the ſettlement then to your mind? Or hath any precaution been neglected which you think neceſſary for the more effectual ſecurity of our liberties?

Mr. SOMERS.

Not that. I think the proviſion for the people's rights as ample as needs be deſired. Or, if any further reſtrictions on the crown be thought proper, it will now be eaſy for the people, in a regular parliamentary way, to effect it. What I mean is, a conſideration of much more importance.

Bp. BURNET.

The pretended prince of *Wales*, you think, will be raiſing ſome diſturbance, or alarm at leaſt, to the new government. I believe, I may take upon me to give you perfect ſatisfaction upon that ſubject *.

Mr. SOMERS.

Still your conjectures fall ſhort or wide of my meaning. Our new MAGNA CHARTA, as I love to

* This indeed was a favourite ſubject with our good biſhop, and how qualified he was to diſcuſs it, even in its

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call the *Declaration of rights*, ſeems a ſufficient barrier againſt any future encroachments of the CROWN. And I think, the pretended prince of *Wales*, whatever be determined of his birth, a mere phantom; that may amuſe, and perhaps diſquiet, the weaker ſort for a while, but, if left to itſelf*, will ſoon vaniſh out of the minds of the PEOPLE. Not but I allow that even ſo thin a pretence as this, may, ſome time or other, be conjured up to diſturb the government. But it muſt be, when a certain ſet of principles are called in aid to ſupport it. And, to ſave you the further trouble of gueſſing, I ſhall freely tell you, what thoſe *principles* are.—You will ſee, in them, the ground of my preſent fears and apprehenſions.

It might be imagined that ſo neceſſary a revolution, as that which hath now taken place, would ſufficiently approve itſelf to all reaſonable men. And it appears, in fact, to have done ſo, now that the public injuries are freſh, and the want of ſome immediate relief from them, felt by the ſubject. But (as it happens in ſuch caſes) when the evil is removed, it is very eaſily forgotten. And in matters of government, which depend ſo much, or rather, which depend ſo entirely on *opinion*, when the grievance is out of mind, the falſe ſyſtem returns, and ſometimes with redoubled force, which had given birth to it.

Bp. BURNET.

One can readily admit theſe principles. But the concluſion, you propoſe to draw from them ——

minuteſt particularities, may be learnt from his hiſtory, at large.

* It was not thus *left to itſelf*, but was nurſed and foſtered with great care by the preachers up of *divine indefeaſible hereditary right*, in this and the following reign.

Mr.

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Mr. SOMERS.

This very important one, "That, if the late change of government was brought about, and can be defended only, on the principles of liberty, the ſettlement, introduced by it, can be thought ſecure no longer than while thoſe principles are rightly underſtood, and generally admitted".

Bp. BURNET.

But what reaſon is there to apprehend that theſe principles, ſo commonly profeſſed and publicly avowed, will not continue to be kept up in full vigour?

Mr. SOMERS.

Becauſe, I doubt, they are ſo commonly and publicly avowed, only to ſerve a preſent turn, and not becauſe they come from the heart, or are entertained on any juſt ground of conviction.

Bp. BURNET.

Very likely. And conſidering the pains that have been taken to poſſeſs the minds of men with other notions of government, the wonder is how they came to be entertained at all. Yet ſurely the experience of better times may be expected to do much. Men will of courſe think more juſtly on theſe ſubjects in proportion as they find themſelves more happy. And thus the principles, which, as you ſay, were firſt pretended to out of neceſſity, will be followed out of choice, and bound upon them by the concluſions of their own reaſon.

Mr. SOMERS.

I wiſh your lordſhip be not too ſanguin in theſe expectations. It is not to be conceived how inſen-

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ſible the people are to the bleſſings they enjoy, and how eaſily they forget their paſt miſeries. So that if their principles have not taken deep root, I would not anſwer for their continuing much longer than it ſerved their purpoſe to make a ſhew of them.

Sir J. MAYNARD.

I muſt confeſs, that all my experience of mankind inclines me to this opinion. I could relate to you ſome ſtrange Inſtances of the ſort Mr. *Somers* hints at. But after all, Sir, you do not indulge theſe apprehenſions on the general fickleneſs of human nature. You have ſome more particular reaſons for concluding that the ſyſtem of liberty, which hath worked ſuch wonders of late, is not likely to maintain its ground amongſt us.

Mr. SOMERS.

I have: and I was going to explain thoſe reaſons, if my lord of *Saliſbury* had not a little diverted me from the purſuit of them.

It is very notorious from the common diſcourſe of men even on this great occaſion (and I wiſh it had not appeared too evidently in the debates of the two houſes) that very many of us have but crude notions of the form of government, under which we live, and which hath been tranſmitted to us from our forefathers. I have met with perſons of no mean rank, and well ſeen in the hiſtory of the kingdom, who ſpeak a very ſtrange language. They allow, indeed, that ſomething was to be done in the perilous circumſtances, into which we had fallen. But when they come to explain themſelves, it is in a way that leaves us no *right* to do any thing; at leaſt, not what it was found expedient for the nation to do at this juncture. For "they contend in ſo many

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many words, that the crown of *England* is *abſolute*; that the form of government is an *entire and ſimple monarchy*; and that ſo it hath continued to be in every period of it down to the abdication: that the CONQUEST, at leaſt, to aſcend no higher, inveſted the FIRST WILLIAM in abſolute dominion; that from him it devolved of courſe upon his ſucceſſors; and that all the pretended rights of the people, the GREAT CHARTERS of antient and modern date, were mere uſurpations on the prince, extorted from him by the neceſſity of his affairs, and revocable at his pleaſure: nay, they inſinuate that parliaments themſelves were the creatures of his will; that their privileges were all derived from the ſovereign's grant; and that they made no part in the original frame and texture of the *Engliſh* government.

"In ſupport of this extraordinary ſyſtem, they refer us to the conſtant tenor of our hiſtory. They ſpeak of the Conqueror, as proprietary of the whole kingdom; which accordingly, they ſay, he parcelled out, as he ſaw fit, in grants to his *Norman* and *Engliſh* ſubjects: that, through his partial conſideration of the church, and an exceſſive liberality to his favoured ſervants, this diſtribution was ſo ill made as to give occaſion to all the broils and contentions that followed: that the church-men began their unnatural claim of independency on the crown; in which attempt they were ſoon followed by the encroaching and too powerful barons: that in theſe ſtruggles many flowers of the crown were rudely torn from it, till a ſort of truce was made, and the rebellious humour ſomewhat compoſed by the extorted articles of RUNNING-MEDE: that theſe confuſions, however, were afterwards renewed, and even increaſed by the conteſts of the two houſes of *York* and *Lancaſter*: but that, upon the union of the roſes in the perſon of *Henry* VII, theſe commotions were finally appeaſed, and

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and the crown reſtored to its antient dignity and luſtre: that, indeed, the uſage of parliaments, with ſomeother forms of popular adminiſtration, which had been permitted in the former irregular reigns, was continued, but of the mere grace of the prince, and without any conſequence to his prerogative: that ſucceeding kings, and even HENRY himſelf, conſidered themſelves as poſſeſſed of an imperial crown; and that, though they might ſometimes condeſcend to take the advice, they were abſolutely above the controul of the people: in ſhort, that the law itſelf was but the will of the prince declared in parliament; or rather ſolemnly received and atteſted there, for the better information and more entire obedience of the ſubject."

"This they deliver as a juſt and fair account of the *Engliſh* government; the genius of which, they ſay, is abſolute and monarchical in the higheſt degree; as much ſo, at leaſt, as that of any other ſovereignty in *Europe*. They aſk, with an air of inſult, what reſtraint our *Henry* VIII and our admired *Elizabeth* would ever ſuffer to be put on their prerogative; and they mention with deriſion the fancy of dating the high pretenſions of the crown from the acceſſion of the STUART family. They affirm, that JAMES I, and his ſon, aimed only to continue the government on the footing on which they had received it; that their notions of it were authorized by conſtant fact; by the evidence of our hiſtories; by the language of parliaments; by the concurrent ſenſe of every order of men amongſt us: and that what followed in the middle of this century was the mere effect of POPULAR, as many former diſorders had been of PATRICIAN violence. In a word, they conclude with ſaying, that the old government revived again at the RESTORATION, juſt as, in like circumſtances, it had done before, at the

UNION

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UNION of the two houſes: that, in truth, the voluntary deſertion of the late king had given a colour to the innovations of the preſent year; but that, till this new ſettlement was made, the *Engliſh* conſtitution, as implying ſomething different from pure monarchy, was an unintelligible notion, or rather a mere whimſy that had not the leaſt foundation in truth or hiſtory."

THIS is a ſummary of the doctrines, which, I doubt, are too current amongſt us. I don't ſpeak of the bigotted adherents to the late king; but of many cooler and more diſintereſted men, whoſe *religious* principles, as I ſuppoſe, (for it appears it could not be their *political*) had engaged them to concur in the new ſettlement. You will judge, then, if there be not reaſon to apprehend much miſchief from the prevalence and propagation of ſuch a ſyſtem: a ſyſtem, which, as being, in the language of the patrons of it, founded upon *fact*, is the more likely to impoſe upon the people; and, as referring to the practice of antient times, is not for every man's confutation. I repeat it therefore, if this notion of the deſpotic form of our government become general, I tremble to think what effect it may hereafter produce on the minds of men; eſpecially when joined to that falſe tenderneſs, which the people of *England* are ſo apt to entertain for their princes, even the worſt of them, under misfortune. I might further obſerve, that this prerogative-ſyſtem hath a direct tendency to produce, as well as heighten, this compaſſion to the ſovereign. And I make no ſcruple to lay it before you with all its circumſtances, becauſe I know to whom I ſpeak, and that I could not have wiſhed for a better opportunity of hearing it confuted.

Bp. BURNET.

I muſt own, though I was ſomewhat unwilling to give way to ſuch melancholy apprehenſions at this time,

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time, I think with Mr. SOMERS, there is but too much reaſon to entertain them. For my own part, I am apt to look no further for the *right* of the legiſlature to ſettle the government in their own way, than their own free votes and reſolutions. For, being uſed to conſider all political power as coming originally from the people, it ſeems to me but fitting that they ſhould diſpoſe of that power for their own uſe in what hands, and under what conditions they pleaſe. Yet as much regard is due to eſtabliſhed forms and antient preſcription, I think the matter of *fact* of great conſequence; and, if the people, in general, ſhould once conceive of it according to this repreſentation, I ſhould be very anxious for the iſſue of ſo dangerous an opinion. I muſt needs, therefore, join very entirely with Mr. *Somers*, in wiſhing to hear the whole ſubject canvaſſed, or rather finally determined, as it muſt be, if Sir JOHN MAYNARD will do us the pleaſure to acquaint us what his ſentiments are upon it.

Sir J. MAYNARD.

Truly, my good friends, you have opened a very notable cauſe, and in good form. Only, methinks, a little leſs ſolemnity, if you had ſo pleaſed, might have better ſuited the occaſion. Why, I could almoſt laugh to hear you talk of fears and dangers from a phantom of your own raiſing. I certainly believe the common proverb belies us; and that old age is not that daſtardly thing it hath been repreſented. For, inſtead of being terrified by this conceit of a preſcriptive right in our ſovereigns to tyrannize over the ſubject, I am ready to think the contrary ſo evident from the conſtant courſe of our hiſtory, that the ſimpleſt of the people are in no hazard of falling into the deluſion. I ſhould rather have apprehended miſchief from other quarters; from the influence of certain ſpeculative points which have been

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been too ſucceſsfully propagated of late; and chiefly from thoſe pernicious gloſſes which too many of my order have made on the letter of the law, and too many of yours, my lord of *Saliſbury*, on that of the goſpel. Truſt me, if the matter once come to a queſtion of FACT, and the inquiry be only concerning antient form and precedent, the deciſion will clearly be in our favour. And for yourſelves, I cannot doubt but this deciſion is already made. But ſince you are willing to put me upon this taſk, and we have leiſure enough for ſuch an amuſement, I ſhall very readily undertake it. And the rather, as I have more than once in my life had occaſion to go to the bottom of this inquiry, and now very lately have taken a pleaſure to reflect on the general evidence which hiſtory affords of our free conſtitution, and to review the ſcattered hints and paſſages I had formerly ſet down for my private ſatisfaction.

" I underſtand the queſtion to be, not under what *form* the government hath appeared at ſome particular conjunctures, but what we may conclude it to have been from the general current and tenor of our hiſtories. And more particularly ſtill, I conceive you would aſk, not whether the *adminiſtration* hath not at ſome ſeaſons been DESPOTIC, but whether the *genius* of the government hath not at all times been FREE. Or, if you do not think the terms, in which I propoſe the queſtion, ſtrict enough, you will do well to ſtate it in your own way, that hereafter we may have no diſpute about it.

Bp. BURNET.

I ſuppoſe, the queſtion, as here put, is determinate enough for our purpoſe.—Or, have you, Mr. SOMERS, any exceptions to make to it?

Mr.

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Mr. SOMERS.

I believe we underſtand each other perfectly well; the queſtion being only this, "Whether there be any ground in hiſtory to conclude that the prince hath a conſtitutional claim to abſolute uncontrolable dominion; or, whether the liberty of the ſubject be not eſſential to every different form, under which the *Engliſh* government hath appeared."

Sir J. MAYNARD.

You expect of me then to ſhew, in oppoſition to the ſcheme, juſt now delivered by you, that neither from the original conſtitution of the government, nor from the various forms (for they have, indeed, been various) under which it hath been adminiſtered, is there any reaſon to infer, that the *Engliſh* monarchy is, or of right ought to be, deſpotic and unlimited.

Now this I take to be the eaſieſt of all undertakings; ſo very eaſy, that I could truſt a plain man to determine the matter for himſelf by the light that offers itſelf to him from the ſlighteſt of our hiſtories. 'Tis true, the deeper his reſearches go, his conviction will be the clearer; as any one may ſee by dipping into my friend NAT. BACON's diſcourſes; where our free conſtitution is ſet forth with that evidence as muſt for ever have ſilenced the patrons of the other ſide, if he had not allowed himſelf to ſtrain ſome things beyond what the truth, or indeed his cauſe required. But, ſaving to myſelf the benefit of his elaborate work, I think it ſufficient to take notice, that the ſyſtem of liberty is ſupported even by that ſhort ſketch of our hiſtory, which Mr. SOMERS hath laid before us; and in ſpite of the diſguiſes, with which, as he tells us, the enemies of liberty have endeavoured to cloke it.

You

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You do not, I am ſure, expect from me, that I go back to the elder and more remote parts of our hiſtory; that I ſhould take upon me to inveſtigate the ſcheme of government which hath prevailed in this kingdom from the time that the *Roman* power departed from us; or that I ſhould even lay myſelf out in delineating, as many have done, the plan of the *Saxon* conſtitution: though ſuch an attempt might not be unpleaſing, nor altogether without its uſe, as the *principles* of the *Saxon* policy, and in ſome reſpects the *form* of it, have been conſtantly kept up in every ſucceeding period of the *Engliſh* monarchy. I content myſelf with obſerving, that the ſpirit of liberty was predominant in thoſe times: and for proof of it, appeal at preſent only to one ſingle circumſtance, which you will think remarkable. Our *Saxon* anceſtors conceived ſo little of government, by the will of the magiſtrate, without fixed laws, that LAGA or LEAGA, which in their language firſt and properly ſignified the ſame as LAW with us, was transferred * very naturally (for language always conforms itſelf

* This caſual remark of Sir *J. Maynard* ſeems to determine a famous diſpute that afterwards ſprung up among the Antiquarians on the ſubject before us. Biſhop *Nicholſon* attended ſo little to this tralatitious uſe of words, in which all languages abound, that finding LAGA in ſeveral places ſignified a *country*, he would needs have it that *Camden*, *Lambard*, *Spelman*, *Cowell*, *Selden*, and all our beſt Antiquaries were miſtaken, when they ſuppoſed *Laga* ever ſignified, in the compoſitions here mentioned, a *law*. However, his adverſaries among the Antiquarians were even with him, and finding that *Laga*, in theſe compoſitions, did ſignify a law in ſeveral places of our antient laws, hiſtorians, and lawyers, deny that it ever ſignifies a *country*. Each indeed had a conſiderable object in view; the one was bent on overthrowing a ſyſtem; the other on ſupporting it: namely, that famous threefold body of laws, the *Daniſh*, *Mercian*, and *Weſt-Saxon*. It muſt be owned, the biſhop could not overthrow the com-

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to the genius, temper, and manners of a nation) to ſignify a country, diſtrict, or province; theſe good people having no notion of any inhabited country not governed by laws. Thus DÆNA-LAGA; MERCENA-LAGA; and WESTSEXENA-LAGA, were not only uſed in their laws and hiſtory to ſignify the *laws* of the *Danes*, *Mercians*, and *Weſt-Saxons*, but the *countries* likewiſe. Of which uſage I could produce to you many inſtances, if I did not preſume that, for ſo ſmall a matter as this, my mere word might be taken.

You ſee then how fully the ſpirit of liberty poſſeſſed the very language of our *Saxon* forefathers. And it might well do ſo; for it was of the eſſence of the *German* conſtitutions; a juſt notion of which (ſo uniform was the genius of the brave people that planned them) may be gathered, you know, from what the *Roman* hiſtorians, and, above all, from what *Tacitus* hath recorded of them.

But I forbear ſo common a topic: and, beſides, I think myſelf acquitted of this taſk by the prudent method, which the defenders of the regal power have themſelves taken in conducting this controverſy. For, as conſcious of the teſtimony which the *Saxon* times are ready to bear againſt them, they are wiſe enough to lay the foundation of their ſyſtem in the CONQUEST. They look no higher than that event for the origin of the *conſtitution*, and think they have a notable advantage over us in deducing their notion of the *Engliſh* government from the form it took in the hands of the *Norman* invader. But is it not pleaſant to hear theſe men calumniate the improvements that have been made from time to time in the plan of our

mon ſyſtem, without running into his extreme: it ſeems, his opponents might have ſupported it, without running into theirs.

civil

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civil conſtitution with the name of *uſurpations*, when they are not aſhamed to erect the *conſtitution* itſelf on what *they* muſt eſteem, at leaſt, a great and manifeſt uſurpation?

Bp. BURNET.

Conqueſt, I ſuppoſe, in their opinion, gives *right*. And ſince an inquiry into the origin of a conſtitution requires that we fix *ſomewhere*, conſidering the vaſt alterations introduced by the conqueſt, and that we have never pretended to reject, but only to improve and complete the duke of NORMANDY's eſtabliſhment, I believe it may be as proper to ſet out from that æra as from any other.

Sir J. MAYNARD.

Your Lordſhip does not imagine that I am about to excuſe myſelf from cloſing with them even on their own terms. I intended that queſtion only as a reproach to the perſons we have to deal with; who, when a ſucceſsful event makes, or but ſeems to make for their idol of an abſolute monarchy, call it a regular eſtabliſhment: whereas a revolution brought about by the juſteſt means, if the cauſe of liberty receive an advantage by it, ſhall be reviled by the name of uſurpation. But let them employ what names they pleaſe, provided their facts are well grounded. We will allow them to dignify the *Norman* ſettlement with the title of CONSTITUTION. What follows? That *deſpotiſm* was of the eſſence of that conſtitution? So they tell us indeed; but without one word of proof, for the aſſertion. For what! do they think the name of conqueſt, or even the *thing*, implies an abſolute unlimited dominion? Have they forgot that *William's* claim to the crown was, not *conqueſt* (though it enabled him to ſupport his claim) but *teſtamentary ſucceſſion*? A title very much in the taſte of that time, and extremely reverenced by our *Saxon* anceſtors?

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That he even renounced his conqueſt by his coronation-oath? That the legiſlative power continued the ſame in his hands, as in thoſe of his predeceſſors? And that, in one word, he confirmed the *Saxon* laws, at leaſt before he had been many years in poſſeſſion of his new dignity?

Is there any thing in all this that favours the notion of his erecting himſelf into an abſolute Lord of the conquered country? Is it not certain, even from his own *Magna Charta*, as we may call it, that he bound himſelf to govern according to law; that he could neither touch the honours nor eſtates of his ſubjects but by legal trial; and that even the many forfeitures in his reign are an evidence of his proceeding in that method?

Still we are told "of his parcelling out the whole land, upon his own terms, to his followers;" and are inſulted "with his famous inſtitution of feudal tenures." But what if the *former* of theſe aſſertions be foreign to the purpoſe at leaſt, if not falſe; and the *latter*, ſubverſive of the very ſyſtem it is brought to eſtabliſh? I think, I have reaſon for putting both theſe queſtions. For, what if he parcelled out moſt, or all, of the Lands of *England* to his followers? The fact has been much diſputed. But be it, as they pretend, that the property of all the ſoil in the kingdom had changed hands. What is that to us, who claim under our *Norman*, as well as *Saxon*, anceſtors? For the queſtion, you ſee, is about the form of government ſettled in this nation at the time of the conqueſt. And they argue with us, from a ſuppoſed act of tyranny in the conqueror, in order to come at that ſettlement. The *Saxons*, methinks, might be injured, oppreſſed, enſlaved; and yet the conſtitution, tranſmitted to us through his own *Normans*, be perfectly free.

But

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But their *other* allegation is ſtill more unfortunate. "He inſtituted, they ſay, the feudal law." True. But the feudal law, and abſolute dominion, are two things; and, what is more, perfectly incompatible.

I take upon me to ſay, that I ſhall make out this point in the cleareſt manner. In the mean time it may help us to underſtand the nature of the feudal eſtabliſhment, to conſider the practice of ſucceeding times. What that was, our adverſaries themſelves, if you pleaſe, ſhall inform us. Mr. *Somers* hath told their ſtory very fairly, which yet amounts only to this, "That, throughout the *Norman* and Plantagenet lines, there was one perpetual conteſt between the prince and his feudataries for law and liberty:" an evident proof of the light in which our forefathers regarded the *Norman* conſtitution. In the competition of the two ROSES, and perhaps before, they loſt ſight indeed of this prize. But no ſooner was the public tranquillity reſtored, and the contending claims united in *Henry* VII, than the old ſpirit revived. A legal conſtitution became the conſtant object of the people, and though not always avowed, was, in effect, as conſtantly ſubmitted to by the ſovereign. It may be true, perhaps, that the ability of *one* prince *, the imperious carriage of *another* †, and the generous intrigues of a *third* ‡; but above all, the condition of the times and a ſenſe of former miſeries, kept down the ſpirit of liberty for ſome reigns, or diminiſhed, at leaſt, the force and vigour of its operations. But a paſſive ſubjection was never acknowledged, certainly never demanded as matter of right, till *Elizabeth* now and then, and king *James*, by talking continually in this ſtrain, awakened the national jealouſy; which proved ſo uneaſy to himſelf, and, in the end, ſo fatal to his family.

* Henry VII. † Henry VIII. ‡ Elizabeth.

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I cannot allow myſelf to mention theſe things more in detail to you, who have ſo perfect a knowledge of them. One thing only I inſiſt upon, that, without connecting the ſyſtem of liberty with that of prerogative in our notion of the *Engliſh* government, the tenor of our hiſtory is perfectly unintelligible, and that no conſiſtent account can be given of it, but on the ſuppoſition of a LEGAL LIMITED CONSTITUTION.

Mr. SOMERS.

Yet that conſtitution, it will be thought, was at leaſt ill defined, which could give occaſion to ſo many fierce diſputes, and thoſe carried on through ſo long a tract of time, between the crown and the ſubject.

Sir J. MAYNARD.

The fault, if there was one, lay in the original plan of the conſtitution itſelf; as you will clearly ſee when I have opened the nature of it, that is, when I have explained the genius, views, and conſequences of the FEUDAL POLICY. It muſt, however, be affirmed that this policy was founded in the principles of freedom, and was, in truth, excellently adapted to an active, fierce, and military people; ſuch as were all thoſe to whom theſe weſtern parts of *Europe* have been indebted for their civil conſtitutions. But betwixt the burthenſome ſervices impoſed on the ſubject by this tenure, or which it gave at leaſt the pretence of exacting from him, and the too great reſtraint which an unequal and diſproportioned allotment of feuds, to the greater barons, laid on the ſovereign; but above all, by narrowing the plan of liberty too much, and, while it ſeemed to provide for the dependency of the prince on one part of his ſubjects, by leaving both him and them in a condition to exerciſe an arbitrary dominion over all others; hence it came to

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to paſs that the feudal policy naturally produced the ſtruggles and convulſions, you ſpoke of, till it was ſeen in the end to be altogether unſuited to the circumſtances of a rich, civilized, and commercial people. The event was, that the inconveniences, perceived in this form of government, gradually made way for the introduction of a better; which was not, however, ſo properly a new form, as the old one amended and ſet right; cleared of its miſchiefs and inconſiſtencies, but conducted on the ſame principles, as the former, and purſuing the ſame end, though by different methods.

It is commonly ſaid, "That the feudal tenures were introduced at the conqueſt". But how are we to underſtand this aſſertion? Certainly, not as if the whole ſyſtem of military ſervices had been created by the conqueror; for they were eſſential to all the *Gothic* or *German* conſtitutions. We muſt ſuppoſe then, that they were only new modelled by this great prince. And who can doubt that the form, which was now given to them, would be copied from that which the *Norman* had ſeen eſtabliſhed in his own country? It would be copied then from the proper FEUDAL FORM; the eſſence of which conſiſted in the perpetuity of the feud; whereas the condition of theſe military tenures had been in other countries, that they ſhould be temporary only, or revocable at the will of the lord.

But to enter fully into the idea of the feudal conſtitution; to ſee at what time, and in what manner, it was introduced; above all, to comprehend the reaſons that occaſioned this great change, it will be convenient to look back to the eſtate of *France*, and eſpecially of *Normandy*, where this conſtitution had, for ſome years, taken place before it was transferred to us at the conqueſt.

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Under the firſt princes of the *Carlovingian* line, the lands of *France* were of two kinds, ALLODIAL, and BENEFICIARY. The allodial, were eſtates of inheritance; the perſons, poſſeſſing them, were called HOMMES LIBRES. The beneficiary were held by grants from the crown. The perſons holding immediately under the emperor, were called LEUDES; the ſub-tenants, VASSALS.

Further, the allodial lands were alienable, as well as hereditary. The beneficiary were properly neither. They were held for life, or a term of years, at the will of the lord, and reverted to him on the expiration of the term for which they were granted.

I do not ſtay to explain theſe inſtitutions minutely. It is of more importance to ſee the alterations that were afterwards made in them. And the FIRST will be thought a ſtrange one.

The poſſeſſors of allodial lands, in *France*, were deſirous to have them changed into *tenures*. They who held of the crown *in capite* were intitled to ſome diſtinctions and privileges, which the allodial lords wiſhed to obtain; and therefore many of them ſurrendered their lands to the emperor, and received them again of him, in the way of *tenure*. This practice had taken place occaſionally from the earlieſt times: but under *Charles* the Bald, it became almoſt general; and *free-men* not only choſe to hold of the emperor, but of other lords. This laſt was firſt allowed, in conſequence of a treaty between the three brothers, after the battle of *Fontenay* in 847.

But theſe *free-men* were not ſo ill adviſed as to make their eſtates precarious, or to accept a life-eſtate inſtead of an inheritance. It was requiſite they ſhould

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ſhould hold for a perpetuity. And this I take to have been the true origin of hereditary feuds. Moſt probably in thoſe dangerous times, little people could not be ſafe without a lord to protect them: and the price of this protection was the change of propriety into tenure.

The SECOND change was by a law made under the ſame emperor in the year 877, the laſt of his reign. It was then enacted, that beneficiary eſtates held under the crown ſhould deſcend to the ſons of the preſent poſſeſſors. Yet not, as I conceive, to the eldeſt ſon; but to him whom the emperor ſhould chuſe: nor did this law affect eſtates only, but *offices*, which had hitherto been alſo beneficiary; and ſo the ſons of counts, marquiſes, *&c.* (which were all names of offices, not titles of honour) were to ſucceed to the authority of their fathers, and to the benefice annexed to it. The new feuds, created in allodial lands, had, I ſuppoſe, made the emperor's tenants deſirous of holding on the ſame terms: and the weakneſs of the reigning prince enabled them to ſucceed in this firſt ſtep, which prepared the way for a revolution of ſtill more importance. For,

The THIRD change, by which the inheritance of beneficiary lands and offices was extended to perpetuity, and the poſſeſſion rendered almoſt independent of the crown was not, we may be ſure, effected at once, but by degrees. The family of *Charlemagne* loſt the empire: they reſiſted with great difficulty the incurſions of the *Normans*; and in the year 911, *Normandy* was granted to them as an hereditary fee. The great lords made their advantage of the public calamities; they defended the king on what terms they pleaſed; if not complied with in their demands, they refuſed their aſſiſtance in the moſt critical conjunctures; and before the acceſſion of *Hugh Capet*,

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had entirely ſhaken off their dependence on the crown. For it is, I think, a vulgar miſtake to ſay, that this great revolution was the effect of *Hugh's* policy. On the contrary, the independence of the nobles, already acquired, was, as it ſeems to me, the cauſe of his ſucceſs. The prince had no authority left but over his own demeſnes; which were leſs conſiderable than the poſſeſſions of ſome of his nobles. *Hugh* had one of the largeſt fiefs: and for this reaſon his uſurpation added to the power of the crown, inſtead of leſſening it, as is commonly imagined. But to bring back the feuds of the other nobles to their former precarious condition was a thing impoſſible: his authority was partly ſupported by ſuperior wiſdom, and partly by ſuperior ſtrength, his vaſſals being more numerous than thoſe of any other lord.

I cannot tell if theſe foreigners, when they adopted the feudal plan, were immediately aware of all the conſequences of it. An hereditary tenure was, doubtleſs, a prodigious acquiſition; yet the advantage was ſomething counter-balanced by the great number of impoſitions which the nature of the change brought with it. Theſe impoſitions are what, in reſpect of the lord, are called his FRUITS of tenure; ſuch as WARDSHIP, MARRIAGE, RELIEF, and other ſervices; and were the neceſſary conſequence of the king's parting with his arbitrary diſpoſal of theſe tenures. For now that the right of inheritance was in the tenant, it ſeemed but reaſonable, and, without this proviſion, the feudal policy could not have obtained its end, that the prince, in theſe ſeveral ways, ſhould ſecure to himſelf the honour, ſafety, and defence which the very nature of the conſtitution implied and intended. Hence hereditary feuds were of neceſſity clogged with the obligations, I have mentioned; which, though trifling in compariſon with the diſadvantages of a precarious

tenure,

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tenure, were yet at leaſt ſome check on the independency acquired. However theſe ſervices, which were due to the king under the new model, were alſo due to the tenant in chief from thoſe who held of him by the like tenure. And ſo the barons, or great proprietaries of land, conſidering more perhaps the ſubjection of their own vaſſals, than that by which themſelves were bound to their ſovereign, reckoned theſe burthens as nothing with reſpect to what they had gained by an hereditary ſucceſſion.

The example of theſe *French* feudataries, we may ſuppoſe, would be catching. We accordingly find it followed, in due time, in *Germany*; where CONRAD II * granted the like privilege of *ſucceſſive* tenures, and at the preſſing inſtance of his tenants.

I thought it material to remind you of theſe things; becauſe they prove the feudal inſtitution on the continent to have been favourable to the cauſe of liberty; and becauſe it will abate our wonder to find it ſo readily accepted and ſubmitted to here in *England*.

Mr. SOMERS.

The account you have given, and, I dare ſay, very truly of the origin of feuds in *France* and *Germany*, is ſuch as ſhews them to have been an extenſion of the people's liberty. There is no queſtion that hereditary alienable eſtates have vaſtly the preference over beneficiary. But the caſe, I ſuſpect, was different with us in *England*. The great offices of ſtate, indeed, in this country, as well as in *France*, were beneficiary. But, if I don't miſtake, the lands of the *Engliſh*, except only the church-lands, were all allodial. And I cannot think it could be for the benefit of the *Engliſh* to change their old *Saxon* poſ-

* CRAIG's *Jus feudale*, lib. i. p. 21. *Lond.* 1655.

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ſeſſions, ſubject only to the famous triple obligation, for theſe new and burthenſome tenures.

Sir J. MAYNARD.

Strange as it may appear, we have yet ſeen that the *French* did not ſcruple to make that exchange even of their allodial eſtates. But to be fair, there was a great difference, as you well obſerve, in the circumſtances of the two people. All the lands in *England* were, I believe, allodial, in the *Saxon* times: while a very conſiderable proportion of thoſe in *France* were beneficiary. Another difference, alſo, in the ſtate of the two countries, is worth obſerving. In *France*, the allodial lands (though conſiderable in quantity) were divided into ſmall portions. In *England*, they ſeem to have been in few hands; the greater part poſſeſſed by the king and his *Thanes*; ſome ſmaller parcels by the leſſer *Thanes*; and a very little by the *Ceorles*. The conſequence was, that, though the allodial proprietors in *France* were glad to renounce their property for tenure, in order to ſecure the protection they much wanted; yet with us, as you ſay, there could not be any ſuch inducement for the Innovation. For, the lands being poſſeſſed in large portions by the nobility and gentry, the allodial lords in *England* were too great to ſtand in need of protection. Yet from this very circumſtance, fairly attended to, we ſhall ſee that the introduction of the feudal tenures was neither difficult nor unpopular. The great proprietors of land were, indeed, too free and powerful to be bettered by this change. But their tenants, that is, the bulk of the people, would be gainers by it. For theſe tenants were, I believe, to a man beneficiaries. The large eſtates of the *Thanes* were granted out in ſmall portions to others, either for certain quantities of corn or rent, reſerved to the lord, or on condition of ſtipulated ſervices. And theſe grants, of which ever ſort

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ſort they were, were either at pleaſure, or at moſt for a limited term. So that though the proprietors of land in *England* were ſo much ſuperior to thoſe in *France*; yet the tenants of each were much in the ſame ſtate; that is, they poſſeſſed beneficiary lands on ſtipulated conditions.

When therefore, by right of forfeiture, the greater part of the lands in *England* fell, as they of courſe would do, into the power of the king (for they were in few hands, and thoſe few had either fought at *Haſtings*, or afterwards rebelled againſt him) it is eaſy to ſee that the people would not be diſpleaſed to find themſelves, inſtead of beneficiary tenants *, feudatary proprietors.

The main difficulty would be with the churchmen. Their poſſeſſions had been held, in the *Saxon* times, in FRANC-ALMOIGN. Though they had been bound, as all free-men were, to military ſervices, yet they had the great privilege of rating themſelves. 'Tis true, the burthens of theſe tenures would, many of them, not affect them. But then neither could they reap the principal fruit of them, the fruit of inheritance. They, beſides, conſidered every reſtraint on their privileges as impious, and took the ſubjection of the eccleſiaſtic to the ſecular power, which the feudal eſtabliſhment was to introduce, for the vileſt of all ſervitudes. Hence the churchmen were, of all others, the moſt averſe from this law †. And

* This account of the *Saxon* benefices is much confirmed by the famous charter of biſhop *Oſwald*, and the comment of Sir *H. Spelman* upon it. See his diſcourſe on FEUDES AND TENURES.

† MATTHEW PARIS gives us the following account of this matter—"Epiſcopatus et Abbatias omnes, quæ baronias tenebant, et eatenus ab omni ſervitute ſæculari libertatem habuerant, ſub ſervitute ſtatuit militari, inrotulans their

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their oppoſition might have given the conqueror ſtill more trouble, if the ſuppreſſion of the great northern rebellion had not furniſhed him with the power, and (as many of them had been deeply engaged in it) with the pretence to force it upon them. And thus in the end, it prevailed univerſally, and without exception.

I would not go further into the hiſtory of theſe tenures. It may appear from the little I have ſaid of it, that the feudal ſyſtem was rather improved and corrected by the duke of *Normandy*, than originally planted by him in this kingdom: that the alteration made in it was favourable to the public intereſt; and that our *Saxon* liberties were not ſo properly reſtrained, as extended by it. It is of little moment to enquire whether the nation was won, or forced to a compliance with it. It is enough to ſay, that, as it was accepted by the nation, ſo it was in itſelf no ſervile eſtabliſhment, but eſſentially founded in the principles of liberty. The duties of lord and feudatary were reciprocal and acknowledged: ſervices on the one part, and protection on the other. The inſtitution was plainly calculated for the joint-intereſt * of

ſingulos epiſcopatus et abbatias pro voluntate ſuâ, quot milites ſibi et ſucceſſoribus ſuis, hoſtilitatis tempore, voluit à ſingulis exhiberi. Et ROTULAS HUJUS ECCLESIASTICÆ SERVITUTIS ponens in theſauris, multos viros eccleſiaſticos HUIC CONSTITUTIONI PESSIMÆ reluctantes, a regno fugavit."
HIST. ANG. WILLIELMUS CONQUÆSTOR.

* The learned CRAIG, who has written ſo largely and accurately on the feudal law, was ſo far from ſeeing any thing ſervile in it, that he ſays, "The foundations of this diſcipline are laid in the moſt generous of all conſiderations, thoſe of GRATITUDE. *Hujus feudalis diſciplinæ fundamenta à gratitudine et ingratitudine deſcendunt.* And he thinks it ſo little chargeable with any views or purpoſes of tyranny, that he eſteems it, "The ſureſt bulwark againſt lawleſs will and

both

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both parties, and the benefit of the community; the proper notion of the feudal ſyſtem being that "of a confederacy between a number of military perſons, agreeing on a certain limited ſubordination and dependence on their chief, for the more effectual defence of his and their lives, territories, and poſſeſſions."

Mr. SOMERS.

I have nothing to object to your account of the feudal conſtitution. And I think you do perfectly right to lay the main ſtreſs on the general nature and genius of it, as by this means you cut off thoſe fruitleſs altercations, which have been raiſed concerning the perſonal character of the *Norman* conqueror. Our concern is not with him, but with the government he eſtabliſhed. And if that be free, no matter whether the founder of it were a tyrant. But though I approve your method, I doubt there is ſome defect in your argument. *Freedom* is a term of much latitude. The *Norman* conſtitution may be free in one ſenſe, as it excludes the ſole arbitrary dominion of one man, and yet ſervile enough in another, as it leaves the government in few hands. For it follows, from what I underſtand of the feudal plan, that though its genius be indeed averſe from abſolute monarchy, yet it is indulgent enough to abſolute *Ariſtocracy*. And the notion of each is equally remote from what we conceive of true *Engliſh* liberty.

Sir J. MAYNARD.

It is true, the proper feudal form, eſpecially as eſtabliſhed in this kingdom, was in a high degree oligarchical. It would not otherwiſe, perhaps, have

oppreſſion." His words are better and ſtronger—"Eſt hoc JUS FEUDALE omnium morum et officiorum gymnaſium, et unicum præſidium adverſus dominorum et vaſſallorum injuſtas cupiditates." EPIST. NUNCUP. to K. *James*.

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ſuited to the condition of thoſe military ages. Yet the principles it went upon, were thoſe of public liberty, and generous enough to give room for the extenſion of the ſyſtem itſelf, when a change of circumſtances ſhould require it.—But your objection will beſt be anſwered by looking a little more diſtinctly into the nature of theſe tenures.

I took notice that the feudal ſyſtem ſubjected the CHURCH more immediately to the civil power: and laid the foundation of many ſervices and fruits of tenure to which the LAY-FEUDATARIES in the *Saxon* times had been altogether ſtrangers. It is probable that all the conſequences of this alteration were not foreſeen. Yet the churchmen were pretty quick-ſighted. And the diſlike they had conceived of the new eſtabliſhment was the occaſion of thoſe ſtruggles, which continued ſo long between the mitre and crown, and which are ſo famous more eſpecially in the early parts of our hiſtory. The cauſe of theſe eccleſiaſtics was a bad one. For their aim was, as is rightly obſerved by the advocates for the prerogative, to aſſert an independency on the ſtate; and for that purpoſe the pope was made a party in the diſpute; by whoſe intrigues it was kept up in one ſhape or other till the total renunciation of the papal power. Thus far, however, the feudal conſtitution cannot be blamed. On the contrary, it was highly ſerviceable to the cauſe of liberty, as tending only to hold the eccleſiaſtic, in a due ſubordination to the civil authority.

The ſame thing cannot be ſaid of the other inſtance, I mean the *fruits of tenure*, to which the lay-fees were ſubjected by this ſyſtem. For however reaſonable, or rather neceſſary thoſe *fruits* might be, in a feudal ſenſe, and for the end to which the feudal eſtabliſhment was directed, yet, as the *meaſure* of theſe

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theſe fruits, as well as the manner of exacting them, was in a good degree arbitrary, and too much left to the diſcretion of the ſovereign, the practice, in this reſpect, was ſoon found to be an intolerable grievance. Hence that other conteſt, ſo memorable in our hiſtory, betwixt the king and his barons: in which the former, under colour of maintaining his feudal rights, laboured to uſurp an abſolute dominion over the perſons and properties of his vaſſals; and the latter, impatient of the feudal burthens, or rather of the king's exactions under pretence of them, endeavoured to redeem themſelves from ſo manifeſt an oppreſſion.

It is not to be denied, perhaps, that, in the heat of this conteſt, the barons ſometimes carried their pretenſions ſtill further, and laboured in their turn to uſurp on the crown, in revenge for the oppreſſions they had felt from it. However, their firſt contentions were only for a mitigation of the feudal ſyſtem. It was not the character of the *Norman* princes to come eaſily into any project that was likely, in the leaſt degree, to intrench on their powers. Yet the grievances, complained of, were in part removed, in part moderated by HENRY the firſt's, and many other ſucceſſive charters. Though the laſt blow was not given to theſe feudal ſervitudes, till after the reſtoration, when ſuch of them as remained and were found prejudicial to the liberty of the ſubject, were finally aboliſhed.

Thus we ſee that ONE eſſential defect in the feudal policy, conſidered not as a military, but civil inſtitution, was, the too great power it gave the ſovereign in the arbitrary impoſitions, implied in this tenure. ANOTHER was accidental. It aroſe from the diſproportionate allotment of thoſe feuds, which gave the greater barons an aſcendant over the prince, and was

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was equally unfavourable to the cauſe of liberty. For the bounty of the duke of *Normandy*, in his diſtribution of the forfeited eſtates and ſignories to his principal officers, had been ſo immenſe *, that their ſhare of influence in the ſtate was exceſſive and intrenched too much on the independency of the crown and the freedom of the people. And this undue poize in the conſtitution, as well as the tyranny of our kings, occaſioned the long continuance of thoſe civil wars, which for many ages harraſſed and diſtreſſed the nation. The evil however, in the end, brought on its own remedy. For theſe princely houſes being much weakened, and many of them deſtroyed in the courſe of the quarrel, *Henry* VII ſucceeded, at length, to the peaceable poſſeſſion of the crown. And by the policy of this prince, and that of his ſucceſſor, the barons were brought ſo low as to be quite diſabled from giving any diſturbance to the crown for the future.

It appears then that TWO great defects in the feudal plan of government, as ſettled amongſt us, were, at length, taken away. But a THIRD, and the greateſt defect of all, was the narrowneſs of the plan itſelf, I mean when conſidered as a ſyſtem of CIVIL polity; for, in its primary martial intention, it was perfectly unexceptionable.

To explain this matter, which is of the higheſt importance, and will furniſh a direct anſwer to Mr.

* This bounty in ſo wiſe a prince as *William* may be thought ſtrange. I believe it may be accounted for from what is obſerved above of the *Saxon* allodial lords. Theſe had poſſeſſed immenſe eſtates. And, as they fell in upon forfeiture, the great *Norman* adventurers would of courſe expect to come into the entire ſucceſſion.—Perhaps too, in that confuſion of affairs, the prince might not always himſelf be apprized of the extent and value of theſe poſſeſſions.

Somers

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Somers' objection, we are to remember that in the old feudal policy the king's barons, that is, ſuch as held *in capite* of the crown by knight's ſervice, were the king's, or rather the kingdom's, great council. No laws could be enacted, without their conſent *. It appears that, towards the end of the conqueror's reign, the number of theſe tenants in chief was about 700; who, as the whole property of the kingdom was, in effect, in their power, may be thought a no unfit repreſentative of the nation. It was ſo, perhaps, in thoſe rude and warlike times, when the ſtrength of the nation lay entirely in the ſoldiery; that is, in thoſe who held by knight-ſervice, either immediately of the crown, or of the meſne-lords. For the remainder of the people, whom they called tenants in ſocage, were of ſmall account; being conſidered only in the light of ſervants, and contributing no otherwiſe to the national ſupport than by their cultivation of the ſoil, which left their maſters at leiſure to attend with leſs diſtraction on their military ſervices. At leaſt, it was perfectly in the genius of the feudal, that is, military conſtitutions, to have little regard for any but the men of arms; and, as every other occupation would of courſe be accounted baſe and ignoble, it is not to be wondered that ſuch a difference was made between the condition of *prædial* and *military* tenures.

However, a policy, that excluded ſuch numbers from the rank and privileges of citizens, was ſo far a defective one. And this defect would become more ſenſible every day, in proportion to the growth of arts, the augmentation of commerce, and the ſecurity the nation found itſelf in from foreign dangers. The antient military eſtabliſhment would

* The law of *Edward* the Confeſſor is expreſs to this purpoſe, and it was ratified by the conqueror—"Debet rex omnia ritè facere in regno et per judicium procerum regni." See Sir H. SPELMAN of Parliaments, p. 58.

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now be thought unjuſt, when the excluſive privileges of the ſwordſmen were no longer ſupported by the neceſſities of the public, and the wealth of the nation made ſo great a part of the force of it. Hence aroſe an important change in the legiſlature of the kingdom, which was much enlarged beyond its former limits. But this was done gradually; and was more properly an extenſion, than violation of the antient ſyſtem.

Firſt, The number of tenants in chief, or the king's free-holders, was much encreaſed by various cauſes, but chiefly by the alienation which the greater barons were permitted to make of their fees. Such alienation could not be made without conſent of the prince: but his conſent became neceſſary, or was obtained at leaſt on ſome extraordinary occaſions. Thus, when the faſhionable madneſs of the CROISADES had involved the greater barons in immenſe debts, in order to diſcharge the expences of theſe expeditions, they were allowed, in HENRY the ſecond's reign, to alienate their poſſeſſions. The conſequence was, that the leſſer military tenants *in capite* multiplied exceedingly. And, as many of them were poor and unequal to a perſonal attendance in the court of their lord, or in the common council of the kingdom (where of right and duty they were to pay their attendance) they were willing, and it was found convenient to give them leave, to appear in the way of *repreſentation*. And this was the origin of what we now call THE KNIGHTS OF THE SHIRES; who, in thoſe times, were appointed to repreſent, not all the free-holders of counties, but the leſſer tenants of the crown only. For theſe, not attending in perſon, would otherwiſe have had no place in the king's council.

The riſe of CITIZENS AND BURGESSES, that is, repreſentatives of the cities and trading towns, muſt be accounted

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accounted for ſomewhat differently. Theſe had originally been in the juriſdiction, and made part of the demeſnes of the king and his great lords. The reaſon of which appears from what I obſerved of the genius of the feudal policy. For little account being had of any but martial men, and trade being not only diſhonourable, but almoſt unknown in thoſe ages, the lower people, who lived together in towns, moſt of them ſmall and inconſiderable, were left in a ſtate of ſubjection to the crown, or ſome other of the barons, and expoſed to their arbitrary impoſitions and talliages. But this condition of burghers, as it ſprung from the military genius of the nation, could only be ſupported by it. When that declined therefore, and inſtead of a people of ſoldiers, the commercial ſpirit prevailed and filled our towns with rich traders and merchants, it was no longer reaſonable, nor was it the intereſt of the crown, that theſe communities and bodies of men ſhould be ſo little regarded. On the contrary, a large ſhare of the public burthens being laid upon them, and the frequent neceſſities of the crown, eſpecially in foreign wars, or in the king's contentions with his barons, requiring him to have recourſe to their purſes, it was naturally brought about that thoſe, as well as the tenants *in capite*, ſhould, in time, be admitted to have a ſhare in the public counſels. I do not ſtay to trace the ſteps of this change. It is enough to ſay, that it aroſe inſenſibly and naturally out of the growing wealth, and conſequence of the trading towns; the convenience the king found in drawing conſiderable ſums from them, with greater eaſe to himſelf, and leſs offence to the people; and, perhaps, from the view of leſſening, by their means, the exorbitant power and influence of the barons. From theſe or ſuch like reaſons, the great towns and cities, that before were royal demeſnes, part of the king's private patrimony, and talliable by him at pleaſure, were allowed to ap-

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pear in his council by their deputies, to treat with him of the proportion of taxes to be raiſed on them, and in a word, to be conſidered in the ſame light as the other members of that great aſſembly.

I do not ſtay to enquire when this great alteration was firſt made. I find it ſubſiſting at leaſt under *Edward* III. And from that time there is no diſpute but that the legiſlature, which was originally compoſed of the ſovereign and his feudal tenants, included alſo the repreſentatives of the counties, and of the royal towns and cities. To ſpeak in our modern ſtyle, the HOUSE OF COMMONS was, now, formed. And by this addition, the glorious edifice of *Engliſh* liberty was completed.

I am ſenſible I muſt have wearied you with this deduction, which can be no ſecret to either of you. But it was of importance to ſhew, that the conſtitution of *England*, as laid in the feudal tenures, was eſſentially free, and that the very changes it hath undergone, were the natural and almoſt unavoidable effects of thoſe tenures. So that what the adverſaries of liberty object to us, as uſurpations on the regal prerogative, are now ſeen to be either the proper reſult of the feudal eſtabliſhment, or the moſt juſt and neceſſary amendments of it.

Bp. BURNET.

I have waited with much pleaſure for this concluſion, which entirely diſcredits the notion of an abſolute, deſpotic government. I will not take upon me to anſwer for Mr. *Somers*, whoſe great knowledge in the laws and hiſtory of the kingdom enables him to ſee further into the ſubject than I do; but to me nothing appears more natural or probable than this account of the riſe and progreſs of the *Engliſh* monarchy.

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narchy. One difficulty, in particular, which ſeemed to embarras this enquiry, you have entirely removed, by ſhewing how, from the ariſtocratical form which prevailed in the earlier times, the more free and popular one of our days hath gradually taken place, and that without any violence to the antient conſtitution.

Mr. SOMERS.

At leaſt, my lord, with ſo little, that we may, perhaps, apply to the *Engliſh* government what the naturaliſts obſerve of the HUMAN BODY *; that, when it arrives at its full growth, it does not perhaps retain a ſingle particle of the matter it originally ſet out with, yet the alteration hath been made ſo gradually and imperceptibly, that the ſyſtem is accounted the ſame under all changes. Juſt ſo, I think, we ſeem to have ſhaken off the conſtituent parts of the FEUDAL CONSTITUTION; but, liberty having been always the informing principle, time and experience have rather completed the old ſyſtem, than created a new one: and we may account the preſent and *Norman* eſtabliſhment all one, by the ſame rule as we ſay that *Hercules*, when he became the deliverer of oppreſſed nations, was ſtill the ſame with him who had ſtrangled ſerpents in his cradle.

Sir J. MAYNARD.

I know not what fanciful ſimiles your younger wit may delight in. I content myſelf with obſerving that the two great points, which they, who deny the liberty of the ſubject, love to inculcate, and on which the plauſibility of all their reaſonings depends, are,

* Great lawyers have been fond of this alluſion. See old FORTESCUE in his book *De laudibus legum Angliæ*, where this ſort of Analogy is purſued at length through a great part of the XIIIth Chapter.

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THE SLAVISH NATURE OF THE FEUDAL CONSTITUTION, and THE LATE RISE OF THE HOUSE OF COMMONS. And I have taken up your time to ſmall purpoſe, if it doth not now appear, that the *former* of theſe notions is falſe, and the *latter* impertinent. If the learned enquirers into this ſubject had conſidered that the queſtion is, concerning the freedom itſelf of our conſtitution, and not the moſt convenient form under which it may be adminiſtered, they muſt have ſeen that the feudal law, though it narrowed the ſyſtem of liberty, was founded in it; that the ſpirit of freedom is as vital in this form, and the principles it goes upon as ſolid, as in the beſt formed republic; and that *villanage* concludes no more againſt the *feudal*, than *ſlavery* againſt the *Greek* or *Roman* conſtitutions.

Mr. SOMERS.

That is, Sir JOHN, you make *liberty* to have been the eſſence of all THREE; though, to the perfection of an equal commonwealth, you ſuppoſe it ſhould have been further ſpread out and dilated: as they ſay of *frankincenſe*, (if you can forgive another alluſion *) which, when lying in the lump, is of no great uſe or pleaſure, but when properly diffuſed, is the ſweeteſt of all odours. But you was going on with the application of your principles.

* Notwithſtanding the apology, the judicious reader will be ſcandalized, as the editor profeſſes himſelf to have been, with a couple of boyiſh alluſions, ſo near together too, from the mouth of Mr. *Somers*. However, I draw an invincible argument from this circumſtance for the authenticity of the preſent dialogue. Such an eſcape might *actually* have happened in private amongſt his friends; for, from what we are told of him, he was one of thoſe, whom his brethren of the coif might have reaſon to *ſhake their heads at, as a Wit*. But what ſophiſt could be fooliſh enough to draw a *feigned* character of a modern lawyer in ſuch colours?

But I have ſtill another very material obſervation to make Sir

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Sir J. MAYNARD.

I was going to say that, as many have been misled by wrong notions of the *feudal tenures*, others had

on occasion of this *simile*. The idolaters of a certain poet are never put to their shifts so much as when they are required to vindicate their favourite from the charge of plagiarism. I desire to know what they can find to say to the following lines. Speaking of *wealth* in his epistle on the use of riches, he says,

In heaps, like ambergrise, a stink it lies;
But well-dispersed, is incense to the skies.

I can imagine a little critic would be forward to quote this as an original sentiment. Yet we see it was almost verbatim copied from this comparison of Mr. *Somers*. I say from *this comparison*, for the reader may be pleased to know that this conversation, with so many other curious things, was amongst the earl of *Oxford's* MSS; and nobody needs be told the pleasure which Pope took in rioting amidst that inestimable treasure. Nay, he is well known to have added many precious things to it himself: in particular, ONE, which his admirers would not have expected; I mean, an elaborate treatise on *the Greek and Roman Antiquities*: a further proof of his little genius, and his great disposition to pilfering and transcribing.

I thought it but just to take notice of these things, as they serve to vindicate the opinion, which is growing pretty general, of the slender talents of this writer. At the same time I would not affirm, that the simile before us was original even in Mr. *Somers*. It is likely he took it from one of his brethren, a facetious reader of *Gray's-Inn*, master BETTENHAM by name, who used to say, "That riches were like muck; when it lay upon a heap, it gave but a stench and ill odour; but when it was spread upon the ground, then it was cause of much fruit." See Lord *Bacon's Apopthegms*. One sees by such instances as these how little invention there is in the world, even among those whom the world calls wits and geniuses. But some men have had strange luck in putting off their false wares on the credulous vulgar; and still stranger in drawing in critics, at least who would pass for such, to countenance the cheat by writing I know not what idle discourses on POETICAL IMITATION.

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erred as widely in their reaſonings on *the late origin of the lower houſe of parliament*. How have we heard ſome men triumph in dating it no higher than the reign of *Edward* III? Let the fact be admitted. What follows? That this houſe is an uſurpation on the prerogative? Nothing leſs. It was gradually brought forth by time, and grew up under the favour and good liking of our princes *. The conſtitution itſelf ſuppoſed the men of greateſt conſequence in the commonwealth to have a ſeat in the national councils. Trade and agriculture had advanced vaſt numbers into conſequence, that before were of ſmall account in the kingdom. The public conſideration was encreaſed by their wealth, and the public neceſſities relieved by it. Were theſe to remain for ever excluded from the king's councils? Or was not that council, which had liberty for its object, to widen and expand itſelf in order to receive them? It did, in fact, receive them with open arms, and, in ſo doing, conducted itſelf on the very principles of the old feudal policy.

In ſhort, the *feudal conſtitution*, different from all others that human policy is acquainted with, was of ſuch a make, that it readily gave way, and fitted itſelf to the varying ſituations of ſociety; narrow and contracted, when the public intereſt required a cloſe connection between the governor and the governed; large and capacious, when the ſame intereſt required that connexion to be looſened. Juſt as the ſkin (if you will needs have a compariſon) the natural cincture of the body, confines the young limbs with ſufficient tightneſs, and yet widens in proportion to their

* Agreeably to what Sir *H. Spelman* aſſerts, in his gloſſary, of its parent, the *feudal law* itſelf; "DE LEGE FEUDALI—pronunciandum cenſeo, TEMPORIS eam eſſe filiam, ſenſimque ſuccreſcentem, EDICTIS PRINCIPUM auctam indies et excultam." In voce FEODUM.

growth,

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growth, ſo as to let the different parts of the body play with eaſe, and obtain their full ſize and dimenſions. Whereas the other policies, that have obtained in the world, may be compared to thoſe artificial coverings, which being calculated only for one age and ſize, grow troubleſome and inſupportable in any other; and yet cannot, like theſe, be thrown off and ſupplied by ſuch as are more ſuitable and convenient, but are worn for life, though with conſtant, or rather increaſing uneaſineſs *.

This then being the peculiar prerogative of the feudal policy, I think we may ſay with great truth, not that the houſe of commons violated the conſtitution, but on the contrary, that the conſtitution itſelf demanded, or rather generated, the houſe of commons.

So that I cannot by any means commend the zeal which ſome have ſhewn in ſeeking the origin of this houſe in the *Britiſh* or even *Saxon* annals. Their aim was to ſerve the cauſe of liberty, but, it muſt be owned, at the expence of truth, and, as we now perceive, without the leaſt neceſſity.

Bp. BURNET.

It hath happend then in this, as in ſo many other inſtances, that an excellent cauſe hath ſuffered by the ill judgment of its defenders. But when truth itſelf had been diſgraced by one ſort of men in being employed by them to the worſt purpoſes, is it to be won-

* One ſees from this eſcape of old *Maynard*, how catching this play of fancy is, and how eaſily it communicates itſelf, on certain occaſions, to the ſobereſt underſtandings. Whence ſome have concluded, too haſtily, that when grave and ſolid perſons reprobate this ſort of trifling, they do it not out of the abundance of their wiſdom, but of their dulneſs.

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dered that others ſhould not acknowledge her in ſuch hands, but be willing to look out for her in better company?

Sir J. MAYNARD.

Let us ſay, my lord, they ſhould have acknowledged her in whatever company ſhe was found; and the rather, as ill-applied truths are ſeen to be full as ſerviceable to a bad cauſe, as downright falſhoods. Beſides, this conduct had not only been fairer, but more politic. For when ſo manifeſt a truth was rejected, it was but natural to ſuſpect foul play in the reſt, and that none but a bad cauſe could want to be ſupported by ſo diſingenuous a management.

Mr. SOMERS.

I think ſo, Sir JOHN; and there is this further uſe of ſuch candor, that it cuts off at once the neceſſity of long and laboured reſearches into the dark parts of our hiſtory; and ſo not only ſhortens the debate, but renders it much more intelligible to the people.

Sir J. MAYNARD.

I was aware of that advantage, and am therefore not diſpleaſed that truth allowed me to make uſe of it.—But to reſume the main argument; for I have not yet done with my evidence for the freedom of our excellent conſtitution. It ſeemed of moment to ſhew, from the nature and conſequences of the *Norman* ſettlement, that the *Engliſh* government was eſſentially free. But becauſe the freeſt form of government may be tamely given up and ſurrendered into the hands of a maſter, I hold it of conſequence to prove that the *Engliſh* ſpirit hath always been anſwerable to the conſtitution, and that even the moſt inſidious attempts on their liberties have never failed to awaken the reſentment of our generous forefathers. In a word, I would ſhew that the jealouſy,

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with which the *Engliſh* have ever guarded the national freedom is at once a convincing teſtimony of their *right*, and of their conſtant *poſſeſſion* of it.

And though I might illuſtrate this argument by many other inſtances, I chuſe to inſiſt only on ONE, THEIR PERPETUAL OPPOSITION TO THE CIVIL AND CANON LAWS; which, at various times and for their own ends, the crown and church have been ſolicitous to obtrude on the people.

To open the way to this illuſtration, let it be obſerved that, from the time of HONORIUS, that is when the *Roman* authority ceaſed amongſt us, the *Saxon* inſtitutions, incorporated with the old *Britiſh* cuſtoms, were the only ſtanding laws of the kingdom. Theſe had been collected and formed into a ſort of digeſt by EDWARD the Confeſſor; and ſo great was the nation's attachment to them, that *William* himſelf was obliged to ratify them at the ſame time, that the feudal law itſelf was enacted. And, afterwards, on any attempt to innovate on thoſe laws, we hear of a general outcry and diſſatisfaction among the people: which jealouſy of their's, was not without good grounds; as we may ſee from an affair that happened in the conqueror's own reign, and ſerves to illuſtrate the policy of this monarch.

It had been an old cuſtom, continued through the *Saxon* times, for the biſhops and ſheriffs to ſit together in judicature in the county courts. This had been found a very convenient practice; for the preſence of the churchmen gave a ſanction to the determinations of the temporal courts, and drew an extraordinary reverence towards them from the people. Yet we find it aboliſhed by the conqueror; who, in a reſcript to the biſhop of *Lincoln* ordained that, for the future, the biſhops and aldermen of the ſhires ſhould have

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have ſeparate courts and ſeparate juriſdictions. The pretence for this alteration was the diſtinct nature of the two judicatures, and the deſire of maintaining a ſtrict conformity to the canons of the church. The real deſign was much deeper. There is no queſtion but *William's* inclinations, at leaſt, were for arbitrary government; in which project his *Norman* lawyers, it was hoped, might be of good uſe to him. But there was a great obſtacle in his way. The churchmen of thoſe times had incomparably the beſt knowledge of the *Saxon* laws. And it was not eaſy for his gloſſers to interpret them to their own mind, whilſt the biſhops were at hand to refute and rectify their comments. Beſides, the truth is, (and my lord of *Saliſbury* will not be diſpleaſed with me for telling it) the eccleſiaſtics of that time were much indevoted to the court. They conſidered the king as the wickedeſt of all tyrants. He had brought them into ſubjection by their baronies, and had even ſet the pope himſelf at defiance. In this ſtate of things there was no hope of engaging the clergy in his plot. But when a ſeparation of the two tribunals was made, and the civil courts were ſolely adminiſtered by his own creatures, the laws, it was thought, would ſpeak what language he pleaſed to require of them.

Such appears to have been the deſign of this prince in his famous diſtinction of the eccleſiaſtic and temporal courts. It was ſo artfully laid and ſo well coloured, that the laity ſeem to have taken no umbrage at it. But the clergy ſaw his drift; and their zeal for the antient laws, as well as their reſentments, put them upon contriving methods to conteract it. They hit upon a very natural and effectual one. In a word, they all turned common lawyers; and ſo found means of introducing themſelves into the civil courts. This expedient ſucceeded ſo well, and was ſo generally reliſhed, that the clergy to a man almoſt in

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in the next reign were become profeſſors of the common law; NULLUS CLERICUS NISI CAUSIDICUS, as *William* of *Malmeſbury* takes care to inform us *.

Bp. BURNET.

Whatever their motive might be, the churchmen, I perceive, interpoſed very ſeaſonably in the ſupport of our civil liberties. It was a generous kind of revenge, methinks, to repay the king's tyranny over the church by vindicating the authority of the *Engliſh* laws.

Sir J. MAYNARD.

It was ſo; and for this good ſervice I let them paſs without any harſher reflection. Though the true ſecret is, perhaps, no more than this. Their main object was the church, of whoſe intereſts, as is fitting, we will allow them to be the moſt competent judges. And, as theſe inclined them, they have been, at different junctures, the defenders, or oppreſſors of civil liberty.

Bp. BURNET.

At *ſome* junctures, it may be, they have. But if you inſiſt on ſo general a cenſure, I muſt intreat Mr. *Somers*, once more, to take upon him the defence of our order.

Sir J. MAYNARD.

All I intended by this inſtance, was, to ſhew the ſpirit of the *Saxon* laws, which could excite the jealouſy of the prince, and deſerve, at ſuch a ſeaſon, the patronage of the clergy. It ſeems, however, for once, as if they had a little miſconceived of their true intereſts. For the diſtinction of the two judicatures, which occaſioned their reſentment, was, in the end,

* DISS. AD FLET. 1091. and WILLIAM OF MALMESBURY, lib. iv. f. 69. *Lond.* 1596.

a great

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a great means of the hierarchical greatneſs and independency.

Matters continued on this footing during the three firſt of the *Norman* reigns. The prince did his utmoſt to elude the authority of the *Engliſh* laws, and the nation, on the other hand, laboured hard to confirm it. But a new ſcene was opened under king *Stephen*, by means of the *Juſtinian* laws; which had lately been recovered in *Italy*, and became at once the faſhionable ſtudy over all *Europe*. It is certain, that the Pandects were firſt brought amongſt us in that reign; and that the reading of them was much favoured by archbiſhop THEOBALD *, under whoſe encouragement they were publicly read in *England* by VACARIUS, within a ſhort time after the famous IRNERIUS had opened his ſchool at *Bologna*. There is ſomething ſingular in the readineſs with which this new ſyſtem of law was embraced in theſe weſtern parts of *Europe*. But my friend Mr. *Selden* uſed to give a plauſible account of it. It was, he ſaid †, in oppoſition to INNOCENT II, who was for obtruding on the Chriſtian ſtates the *decretals*, as laws; manifeſtly calculated for the deſtruction of the civil magiſtrate's power. And what ſeems to authorize the opinion of my learned friend, is, that the popes very early took the alarm, and, by their decrees, forbad churchmen to teach the civil law: as appears from the conſtitution of ALEXANDER III, ſo early as the year 1163, in the council of TOURS; and afterwards from the famous decretal of SUPER-SPECULA by

* It may be difficult to ſay whence all the particulars, that follow, relating to the civil law were taken by the Speaker. But I find ſome of them in *Selden's Diſſertation ad* FLETAM: as this of the introduction of the *Juſtinian* inſtitutions, from *William* of *Malmeſbury*, occurs in p. 1082. *Selden's works*, vol. ii. tom. ii.

† DISS. AD FLET. 1078.

HONORIUS

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HONORIUS III, in 1219, in which the clergy of all denominations, ſeculars as well as regulars, were prohibited the ſtudy of it. And it was, doubtleſs, to defeat the miſchief which the popes apprehended to themſelves, from the credit of the imperial laws, that GRATIAN was encouraged, about the ſame time, to compoſe and publiſh his DECREE; which, it is even ſaid *, had the expreſs approbation of pope EUGENIUS.

To ſee now what reception this newly recovered law, ſo ſeverely dealt with by the pope, and ſo well entertained by the greateſt part of *Europe*, had in *England*. VACARIUS had continued to teach it for ſome time, in the archbiſhop's palace at *Lambeth*, to great numbers, whom the faſhion of the age, and the novelty of the ſtudy, had drawn about him. The fame of the teacher was very high, and the new ſcience had made a great progreſs, when on a ſudden it received a ſevere check, and from a quarter from which one ſhould not naturally expect it. In ſhort, the king himſelf interdicted the ſtudy of it. Some have imagined, that this inhibition was owing to the ſpite he bore to archbiſhop THEOBALD. But the truer reaſon ſeems to be, that the canon law was firſt read by *Vacarius* at the ſame time, and under colour of the imperial. I think we may collect thus much very clearly from JOHN of SALISBURY, who acquaints us with this edict. For he conſiders it as an offence againſt the church, and expreſly calls the prohibition, an IMPIETY †. It is true, the decretals of *Gratian* were not yet publiſhed. But Ivo had made a collection of them in the reign of HENRY I; and we may be ſure that ſome Code of this ſort would pri-

* Dr. DUCK, *De uſu et authoritate juris civilis*, p. 103. LUGD. BATAV. 1654.

† POLICRATIC. lib. viii. c. 22. p. 672. *Lugd. Bat.* 1639.

vately

vately go about amongſt the clergy, from what was before obſerved of the pains taken by INNOCENT II, to propagate the decretals. We may further obſerve, that THEOBALD had been in high favour with INNOCENT, and that his ſchool, at *Lambeth*, was opened immediately on his return from *Rome*, whither he had been to receive his pall from this pope, on his appointment to the ſee of *Canterbury* *. All which makes it probable, that *Stephen's* diſpleaſure was not ſo much at the civil as *canon* law, which he might well conclude had no friendly aſpect on his ſovereignty.

And we have the greater reaſon to believe that this was the fact, from obſerving what afterwards happened in the reign of HENRY III, when a prohibition of the ſame nature was again iſſued out againſt the teachers of the *Roman* laws in *London* †. The true cauſe of the royal mandate is well known. GREGORY IX had juſt then publiſhed a new code of the decretals; which, like all former collections of this ſort, was calculated to ſerve the papal intereſt, and depreſs the rights of princes.

However theſe edicts, if we ſuppoſe them levelled againſt the civil law, had no effect, any more than thoſe of the popes *Alexander* and *Honorius*, before mentioned. For the imperial law being generally well received by the princes of *Europe*, preſently became a kind of *Jus gentium*. And the clergy, who aſpired to power and dignities, either abroad or at home, ſtudied it with an inconceivable rage; inſomuch, that ROGER BACON tells us, that, in his time for forty years together, the ſeculars, who were the eccleſiaſtics employed in buſineſs, never publiſhed a ſingle treatiſe in divinity ‡.

* DISS. AD FLET. 1082. † Ibid. 1097.
‡ Dr. DUCK, p. 364.

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The truth is, whatever ſhew the popes or our own princes might make, at times, of diſcountenancing the civil law, it was not the deſign of either abſolutely and univerſally to ſuppreſs it. It was properly, not the civil, but the canon law, which was diſcountenanced by our kings. And the caſe of the popes was, that, when they found the imperial law oppoſed to the *common*, they were ready to favour it; when it was oppoſed to the *canon*, and brought that into neglect, they forbad eccleſiaſtics the ſtudy of it.

Mr. SOMERS.

In the mean time the poor people, methinks, were in a fine condition between two laws, the one founded on civil, and the other on eccleſiaſtical tyranny. If either had prevailed, there had been an end of their liberties.

Sir J. MAYNARD.

Certainly their ſituation was very critical. Yet in the end it was preciſely this ſituation that ſaved them. For betwixt theſe contentions of the crown and mitre, each endeavouring to extend its dominion over the other, the people, who were of courſe to be gained by either ſide in its diſtreſs, found means to preſerve themſelves from both. To ſee how this happened we muſt remember, what appears indeed from the two edicts of STEPHEN and HENRY, that the king himſelf was a bulwark betwixt them and the papal power. And when the king in his turn wanted to exalt his prerogative over all, the church very naturally took the alarm, as we ſaw in the caſe of *William's* ſeparation of the two tribunals. And thus it happened, as NAT. BACON obſerves *, "That many times the pope and the clergy became protec-

* DISC. Part i. p. 78. *Lond.* 1739.

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tors of the people's liberties, and kept them ſafe from the rage of kings." The greateſt danger was, when the two powers chanced to unite in one common deſign againſt them; as they did in their general inclination for the eſtabliſhment of the civil law. But here the people had the courage always to defend themſelves; and with that wiſdom too, as demonſtrates their attention to the cauſe of civil liberty, and the vigilance with which they guarded even its remoteſt outworks.

Of their ſteady and watchful conduct, in this reſpect, I ſhall mention ſome of the many memorable examples, that occur in our hiſtory.

I have ſaid that from the time of STEPHEN, notwithſtanding his famous edict, the imperial laws were the chief and favourite ſtudy of the clergy. They had good reaſon for applying themſelves ſo cloſely to this ſcience, and ſtill further views than their own immediate advancement. They wanted to bring thoſe laws into the civil courts, and to make them the ſtanding rule of public adminiſtration; not merely from their good will to the papal authority, which would naturally gain an advantage by this change, but for the ſake of controlling the too princely barons, and in hopes, no doubt, that the imperial would in due time draw the canon laws into vogue along with them. Such, I think, were at leaſt the ſecret deſigns of the ruling clergy; and they did not wait long before they endeavoured to put their project in execution. The plot was admirably laid, and with that deep policy as hath kept it, I believe, from being generally underſtood to this day.

The great men of that time were, we may be ſure, too like the great men of every other, to be very ſcrupulous about the commiſſion of thoſe vices to which

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which they were moſt inclined. The truth is, their profligacy was in proportion to their greatneſs and their ignorance. They indulged themſelves in the moſt licentious amours, and even prided themſelves in this licence. The good churchmen, no doubt, lamented this corruptionof manners; but as they could not reform, they reſolved at leaſt to draw ſome emolument to themſelves from it. The caſtles of the barons, they ſaw, were full of baſtards. Nay, the courteſy of that time had ſo far dignified their vices, that the very name was had in honour. Ego Gulielmus Bastardus, is even the preamble to one of *William* the firſt's charters. Yet, as reſpectable as it was become, there was one unlucky check on this favourite indulgence. And this, with the barons leave, the conſiderate biſhops would preſently take off. Subſequent marriage by the imperial, as well as canon, laws legitimated baſtards, as to ſucceſſion; whereas the common lawkept them eternally in their ſtate of baſtardy. It is not to be doubted, but the barons would be ſenſible enough of this reſtraint. They earneſtly wiſhed to get rid of it. And could any thing bid ſo fair to recommend the imperial law to their good liking, as the tender of it for ſo deſirable a purpoſe? At a parliament therefore under Henry III*, *Rogaverunt omnes epiſcopi, ut conſentirent quod nati antè matrimonium eſſent legitimi.* What think ye now of this general ſupplication of the hierarchy? What could the barons do but comply with it, eſpecially as it was ſo kindly intended for their relief, and the propoſal was even made with a delicacy that might enable them to come into it with a good grace, and without the ſhame of ſeeming to deſire it? All this is very true. Yet the anſwer of the virtuous barons is as follows. *Omnes comites et barones unâ voce reſponderunt*, QUOD NOLUMUS LEGES ANGLIÆ MU-

* At Merton, in the year 1236.

TARI.

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TARI. Wee ſee then what ſtuck with them. Theſe barons, as licentious as they were, preferred their liberty to their pleaſure. The biſhops, they knew, as partiſans of the pope, were for ſubjecting the nation to the imperial and papal laws. They offered, indeed, to begin with a circumſtance very much to their taſte. But if they accepted the benefit of them in one inſtance, with what decency could they object to them in others? They determined therefore to be conſiſtent. They rejected a propoſition, moſt agreeable in itſelf, leſt their acceptance of it ſhould make way for the introduction of foreign laws; whoſe very genius and eſſence, they well knew, was arbitrary, deſpotic power. Their anſwer ſpeaks their ſenſe of this matter. NOLUMUS LEGES ANGLIÆ MUTARI. They had nothing to object to the propoſal itſelf. But they were afraid for the conſtitution.

Mr. SOMERS.

I doubt, Sir *John*, my lord of *Saliſbury* will bring a freſh complaint againſt you for this liberty with the biſhops. But I, who ſhall not be thought wanting in a due honour for that bench, muſt needs confeſs myſelf much pleaſed as well with the novelty *, as juſtice of this comment. I have frequently conſidered this famous reply of the old barons. But I did not ſee to the bottom of the contrivance. Their averſion to the imperial laws, as you ſay, muſt have been very great to have put them on their guard againſt ſo inviting a propoſal.

Bp. BURNET.

One thing, however, is forgotten or diſſembled in this account, that the law of *Juſtinian*, which allows

* I have ſometimes taken great offence at this ſort of compliments, which the obliging writer, in effect, paſſes on him-

the

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the privilege of legitimation to ſubſequent marriage, is grounded on ſome reaſons that might, perhaps, recommend it to the judgment, as well as intereſt of the old prelates. Beſides, they doubtleſs found themſelves much diſtreſſed by the contrariety of the two laws in this inſtance. For the ground of their motion, as I remember, was, *Quod eſſet ſecundum communem formam eccleſiæ*. But to deal ingenuouſly with you, Sir *John*, you have dreſſed up your hypotheſis very plauſibly. And I, who am no advocate for the civil or eccleſiaſtical laws, in this or any inſtance where they claſh with thoſe of my country, can allow your raillery on *Henry's* good biſhops, if it were only that I ſee it makes ſo much for your general argument.

Sir J. MAYNARD.

Your lordſhip may the rather excuſe this liberty with the *church*, as I propoſe, in due time, to deal as freely with the LAW; a ſimilar plot, which I ſhall have occaſion to mention preſently, having been formed againſt the antient conſtitution by the men of our profeſſion.

Mr. SOMERS.

In the mean time, Sir *John*, you muſt give me leave, in quality of advocate for the church, to obſerve one thing that does the churchmen honour. It is, that, in theſe attempts on the conſtitution, the judges and great officers of the realm, who, in thoſe times were of the clergy, conſtantly took the ſide of the *Engliſh* laws; as my lord COKE himſelf, I remember, takes notice in his commentary on this ſtatute of MERTON.

Sir J. MAYNARD.

I believe the obſervation is very juſt. But I ſhould incline to impute this integrity, not to the influence

ſelf, in *feigned* dialogues. But in a *real* converſation, like this, nothing is more naturally to be expected.

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of church principles, but those of the common law, and so turn your compliment to the honour of our profession instead of theirs, if it were not too clear in fact that every profession, in its turn, hath been liable to this charge of corruption.

But I was going on with my proofs of the national aversion to the imperial law. The next shall be taken from that famous dispute concerning the succession to the crown of *Scotland* in the reign of EDWARD I. For a question arising about the kind of law, by which the controversy should be decided, and it being especially debated, whether the Cæsarean law, as a sort of *jus gentium*, ought not, in such a cause, to have the preference to the law of *England*; it was then unanimously determined by the great council of NORHAM, that the authority of the Cæsarean law should by no means be admitted; NE INDE MAJESTATIS ANGLICANÆ JURI FIERET DETRIMENTUM *.

This determination was public, and given on a very solemn occasion. And in general we may observe, that at the junctures when the state hath been most jealous of its liberty and honour, it hath declared the loudest against the *imperial laws*. As in the WONDER-WORKING parliament under RICHARD II, when the duke of *Glouceſter* accused the archbishop of *York*, the duke of *Ireland*, and other creatures of the king, of high treason. The charge was so fully proved, that the court had no other way of diverting the storm than by pretending an irregularity in the forms of procedure. To this end the lawyers were consulted with, or more properly directed. I will disguise nothing. They descended so much from the dignity of their profession, as to act in perfect subserviency to the views of the court; and therefore gave it as their

* DISS. AD FLET. 1198.

opinion,

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opinion, that the proceedings againſt the lords were of no validity, as being contrary to the forms preſcribed by the *civil law*. The barons took themſelves to be inſulted by theſe ſhifts of the lawyers. They inſiſted that the proceedings were agreeable to their own cuſtoms, and declared roundly that they would never ſuffer *England* to be governed by the *Roman* civil law *.

What think ye now of theſe examples? Are they not a proof that the ſpirit of liberty ran high in thoſe times, when neither the intrigues of churchmen, nor the chicane of lawyers could put a ſtop to it? It ſeems as if no direct attempts on the conſtitution could have been made with the leaſt appearance of ſucceſs; and that therefore the abettors of arbitrary power were obliged to work their way obliquely by contriving methods for the introduction of a foreign law. And in this project they had many advantages, which nothing but an unwearied zeal in the cauſe of liberty could have poſſibly counteracted. From the reign of STEPHEN to that of EDWARD III, that is, for the ſpace of near 200 years, the *Roman* law had been in great credit †. All the learning of the times was in the clergy, and that learning was little more than the imperial and canon laws. The fact is ſo certain, that ſome of the clergy themſelves, when in an ill temper, or off their guard, complain of it in the ſtrongeſt terms. And to ſee the height to which this humour was carried, not the ſeculars only who intended to riſe by them, but the very monks in their cells ſtudied nothing but theſe laws ‡. To complete the danger, the magiſtracies and great offices of the kingdom were filled with churchmen ‖.

* See FORTESCUE *De laudibus leg. Angl.* p. 74. *Lond.* 1741; and *Selden's* JANUS ANGLORUM, 1010, vol. ii. tom. ii.

† DISS. AD FLET. 1104. ‡ Dr. DUCK, p. 365.

‖ DISS. AD FLET. 1010.

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Who would expect, now, with those advantages, but that the *Roman* law would have forced its way into our civil courts? It did indeed insinuate itself there as it were by stealth, but could never appear with any face of authority. The only service, that would be accepted from it, was that of illustration only in the course of their pleadings, whilst the lawyers quoted occasionally from the INSTITUTES, just as they might have done from any other antient author *. Yet, so long as the churchmen presided in the courts of justice, this intruder was to be respected; and it is pleasant to observe the wire-drawing of some of our ablest lawyers in their endeavours to make the policy of *England* speak the language of *Rome*. Mr. *Selden's* dissertation on FLETA †, which lies open before me, affords a curious instance. The civil law says, "Populus ei [Cæsari] et in eum omne suum imperium et potestatem conferat;" meaning, by *people*, the *Roman* people, and so establishing the despotic rule of the prince. But BRACTON took advantage of the ambiguity to establish that maxim of a free government, "That all dominion arises from the people." This, you will say, was good management. But what follows is still better. "Nihil aliud, says he, potest rex in terris, cum sit Dei minister et vicarius, nisi quod JURE potest. Nec OBSTAT quod dicitur, QUOD PRINCIPI PLACET LEGIS HABET VIGOREM. Quia sequitur in fine legis, CUM LEGE REGIA QUÆ DE IMPERIO EJUS LATA EST; id est, non quicquid de voluntate regis temerè præsumptum est, sed quod consilio magistratuum suorum, rege auctoritatem præstante, et habitâ super hoc deliberatione et tractatu, rectè fuerit definitum." Thus far old BRACTON; who is religiously followed in the same gloss by THORNTON, and the author of FLETA. But what! you will say, this is an exact description of the present constitution. It is so, and therefore

* DISS. AD FLET. 1106. † P. 1046.

certainly

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certainly not to be found in the civil law. To confeſs the truth, theſe venerable ſages are playing tricks with us. The whole is a premeditated falſification, or, to ſay it ſofter, a licentious commentary for the ſake of *Engliſh* liberty. The words in the PANDECTS and INSTITUTIONS are theſe; "QUOD PRINCIPI PLACUIT, LEGIS HABET VIGOREM, UTPOTE CUM LEGE REGIA, QUÆ DE IMPERIO EJUS LATA EST, POPULUS EI ET IN EUM OMNE SUUM IMPERIUM ET POTESTATEM CONFERAT.

My honeſt friend, in mentioning this extraordinary circumſtance, ſays, one cannot conſider it, *ſine ſtupore*. He obſerves, that theſe lawyers did not quote the Pandects by hear-ſay, but had copies of them; and therefore adds (for I will read on) "Unde magis mirandum quânam ratione evenerit, ut non ſolùm ipſe, adeò judiciis forenſibus clarus et (ſi Biographis ſcriptorum noſtratium fides) profeſſor juris utriuſque Oxonienſis, verùm etiam THORNTONIUS juris aliàs peritiſſimus, et FLETÆ author, adeò diverſam lectionem, ſenſumque diverſum atque interpretibus aliis univerſis adeò alienum in illuſtriſſimo juris Cæſarei loco explicando tam fidenter admiſerint." The difficulty, you ſee, increaſes upon him. But we ſhall eaſily remove it by obſerving, that the Cæſarean laws, though they had no proper authority with us, yet were much complimented in thoſe times, and were to be treated on all occaſions with ceremony. And therefore thoſe lawyers, that lived under and wanted to ſupport a free conſtitution, ſaw there was no way of ſerving their cauſe ſo effectually, as by pretending to find it in the *Roman inſtitutes*.

Mr. SOMERS.

This management of *Bracton* and his followers makes ſome amends for the ill conduct of RICHARD the ſecond's lawyers. And as to their chicanery, the

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the ingenuity of the gloſs, we will ſuppoſe, was no more than neceſſary to correct the malignity of the text.

Sir J. MAYNARD.

They had, no doubt, conſulted their honour much more by inſiſting roundly, as they might have done, that the text had no concern at all in the diſpute. But I mention theſe things only to ſhew the extreme reverence, that was then paid to the civil law, by the ſhifts the common lawyers were put to in order to evade its influence. From which we learn how rooted the love of liberty muſt have been in this nation, and how unſhaken the firmneſs of the national councils in ſupporting it, when, notwithſtanding the general repute it was of in thoſe days, the imperial law could never gain authority enough to preſcribe to us in any matters that concerned the rights of the crown, or the property of the ſubject. And this circumſtance will be thought the more extraordinary, if it be conſidered, that, to the general eſteem in which the *Roman* law was held by the clergy, our kings have uſually added the whole weight of their influence; except indeed at ſome particular junctures, when their jealouſy of the *canon* law prevailed over their natural bias to the *civil*.

Mr. SOMERS.

I ſhould be unwilling to weaken any argument you take to be of uſe in maintaining the noble cauſe you have undertaken. But, methinks, this charge on our princes would require to be made out by other evidence * than hath been commonly produced for it. There is no doubt but many of them have aimed at ſetting themſelves above the laws of their country, but is it true (I mean though FORTESCUE himſelf †

* Mr. *Selden* himſelf was of the ſame mind. DISS. AD FLET. 1109.

† *De laud. leg. Ang.* c. 33, 34.

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has ſuggeſted the ſame thing) that for this purpoſe they have uſually expreſſed a partiality to the *Roman* laws?

Sir J. MAYNARD.

I believe it certain that they have, and on better reaſons than the bare word of any lawyer whatſoever. What think you of *Richard* the ſecond's policy in the inſtance before mentioned? That RICHARD, who uſed to declare, "That the laws were only in his mouth and breaſt, and that he himſelf could make and unmake them at his pleaſure." We may know for what reaſon a prince of this deſpotic turn had recourſe to the *Roman* law. But even his great predeceſſor is known to have been very indulgent towards it. And ſtill earlier EDWARD I took much pains to eſtabliſh the credit of this law; and to that end engaged the younger ACCURSIUS, the moſt renowned doctor of the age, to come over into *England*, and ſet up a ſchool of it at *Oxford*. Or, to wave theſe inſtances, let me refer you to a certain and very remarkable fact, which ſpeaks the ſenſe, not of this or that king, but of the whole ſucceſſion of our princes. The imperial law, to this day, obtains altogether in the courts of admiralty, in courts mareſcall, and in the univerſities *. On the contrary, in what we call the courts of law and equity, it never hath, nor ever could prevail. What ſhall we ſay to this remarkable difference, or to what cauſe will you aſcribe it, that this law, which was conſtantly excluded with ſuch care from the one ſort of courts, ſhould have free currency and be of ſole authority in the other? I believe it will be difficult to aſſign any other than this: that the ſubjects of deciſion in the firſt ſpecies of courts are matters in the reſort of the king's prerogative, ſuch as peace and war, and the diſtribution of honours; whilſt the ſubjects of deciſion in the courts of common law are out of his prerogative,

* DISS. AD FLET. 1102.

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ſuch as thoſe of liberty and property. The king had his choice by what law the firſt ſort of ſubjects ſhould be regulated, and therefore he adopted the imperial law. He had not his choice in the latter inſtance; and the people were never ſatisfied with any other than the law of the land.

Mr. SOMERS.

Yet Mr. *Selden*, you know, gives another reaſon of this preference: it was, he thinks, becauſe foreigners are often concerned with the natives in thoſe tribunals where the civil law is in uſe.

Sir J. MAYNARD.

True; but my learned friend, as I conceive, did not attend to this matter with his uſual exactneſs. For foreigners are as frequently concerned in the courts of law and equity, as in the other tribunals. The caſe in point of reaſon is very clear. In all conteſts that are carried on between a native and a foreigner, as the ſubject of another ſtate, the deciſion ought to be by the law of nations. But when a foreigner puts himſelf with a native under the protection of our ſtate, the determination is, of courſe, by our law. The practice hath uniformly correſponded to the right in the laſt inſtance. In the former the right hath given way to the will of the prince, who had his reaſons for preferring the authority of the imperial law.

Upon the whole, if we conſider the veneration, which the clergy uſually entertained, and endeavoured to inculcate into the people, for the civil law; the indulgence ſhewn it by the prince; its prevalence in thoſe courts which were immediately under the prerogative; and even the countenance ſhewn it at times in the courſe of pleadings at common law; we

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cannot avoid coming to this ſhort concluſion, "That the genius of the imperial laws was repugnant to our conſtitution; and that nothing but the extreme jealouſy of the barons, leſt they might prove, in pleas of the crown, injurious to civil liberty, hath kept them from being received in *England* on the ſame footing that we every where find they are in the other countries of *Europe*, and as they are in *Scotland* to this day.

But if you think I draw this concluſion too haſtily, and without grounding it on ſufficient premiſes, you may further conſider with me, if you pleaſe, THE FATE AND FORTUNES OF THE CIVIL LAW IN THIS KINGDOM DOWN TO THE PRESENT TIME *. In the reigns of HENRY VII and VIII, and the two firſt

* The Speaker, if he had been ſo pleaſed, might have begun this account of the *fate and fortunes* of the civil law ſtill higher. NAT. BACON, ſpeaking of *Henry* the fifth's reign, obſerves, "The times were now come about, wherein light began to ſpring forth, conſcience to beſtir itſelf, and men to ſtudy the ſcriptures. This was imputed to the idleneſs and careleſſneſs of the clergy, who ſuffered the minds of young ſcholars to luxuriate into errors of divinity, for want of putting them on to other learning; and gave no encouragement to ſtudies of humane literature, by preferring thoſe that were deſerving. The convocation taking this into conſideration, do decree, that no perſon ſhould exerciſe any juriſdiction in any office, as *vicar general*, *commiſſary*, or *official*, or otherwiſe, unleſs he ſhall firſt in the univerſity have taken degrees in the CIVIL OR CANON LAWS. A ſhrewd trick this was to ſtop the growth of the ſtudy of divinity, and *Wickliff's* way: and to embelliſh men's minds with a kind of learning that may gain them preferment, or at leaſt an opinion of abilities beyond the common ſtrain, and dangerous to be meddled with. Like ſome gallants, that wear ſwords as badges of honour, and to bid men beware, becauſe they poſſibly may ſtrike, though in their own perſons they may be very cowards. And no leſs miſchievouſly intended was this againſt the rugged COMMON LAW, a rule ſo nigh allied kings

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kings of the houſe of STUART, that is, the moſt deſpotic of our princes, the ſtudy of the civil law hath been more eſpecially favoured; as we might conclude from the general ſpirit of thoſe kings themſelves, but as we certainly know from the countenance they ſhewed to its profeſſors; from their chuſing to employ them in their buſineſs, and from the ſalaries and places they provided for their encouragement. Yet ſee the iſſue of all this indulgence to a foreign law, and the treatment it met with from our parliaments and people! The oppreſſions of EMPSON and DUDLEY had been founded in a ſtretch of power, uſurped and juſtified on the principles of the civil law; by which theſe miſcreants had been enabled to violate a fundamental part of our conſtitution, the way of *trial by* JURIES. The effect on the people was dreadful. Accordingly in the entrance of the next reign, though the authority, by which they had acted, had even been parliamentary, theſe creatures of tyranny were indicted of high treaſon, were condemned and executed for having been inſtrumental in ſubverting LEGEM TERRÆ; and the extorted ſtatute, under which they had hoped to ſhelter themſelves, was with a juſt indignation repealed.

Yet all this was conſidered only as a neceſſary ſacrifice to the clamours of an incenſed people. The younger HENRY, we may be ſure, had ſo much of his father in him, or rather ſo far outdid him in the worſt parts of his tyranny, that he could not but look with an eye of favour on the very law, he had been conſtrained to aboliſh. His great eccleſiaſtical miniſter was, no doubt, in the ſecret of his maſter's inclinations, and conducted himſelf accordingly. Yet

to the goſpel-way, as it favoureth liberty; and ſo far eſtranged from the way of the civil and canon law, as there is no hope of accommodation till Chriſt and Anti-Chriſt have fought the field." DISC. Part II. p. 90. *Lond.* 1739.

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the vengeance of the nation purſued and overtook him in good time. They reſented his diſloyal contempt of the original conſtitution; and made it one of the articles againſt this *Roman* cardinal, "That he endeavoured to ſubvert, *Antiquiſſimas leges hujus regni, univerſumque hoc regnum* LEGIBUS IMPERIALIBUS *ſubjicere.*"

From this time the ſtudy of the civil law was thought to languiſh in *England*, till it revived with much ſpirit in the reigns of thoſe unhappy princes who ſucceeded to the houſe of TUDOR. Then indeed, by inclination and by pedantry, JAMES I, was led to patronize and encourage it. And the ſame project was reſumed, and carried ſtill further, by his unfortunate ſon. I ſpeak now from my own experience and obſervation. The civil lawyers were moſt welcome at court. They were brought into the Chancery and court of Requeſts. The miniſter, another ſort of man than *Wolſey*, yet a thorough eccleſiaſtic, and bigotted, if not to the religion yet, to the policy of *Rome*, gave a countenance to this profeſſion above that of the common law. He had found the ſpirit, and even the forms of it, moſt convenient for his purpoſe in the STAR-CHAMBER and HIGH-COMMISSION court, thoſe tribunals of imperial juſtice, exalted ſo far above the controul of the common law; and by his good will, therefore, he would have brought the ſame regimen into the other branches of the adminiſtration. Great Civilians were employed to write elaborate defences of their ſcience; to the manifeſt exaltation of the prerogative; to the prejudice of the national rights and privileges; and to the diſparagement of the common law. The conſequence of theſe proceedings is well known. The moſt immediate was, that they provoked the jealouſy of the common lawyers; and, when the rupture afterwards happened, occaſioned ſo many of the moſt eminent of them to throw

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throw themſelves into the popular ſcale *. Yet to ſee the uniformity of the views of tyranny, and the direct oppoſition which it never fails to encounter from the *Engliſh* law, no ſooner had a ſet of violent men uſurped the liberties of their country, and with the ſword in their hands determined to rule deſpotically and in defiance of the conſtitution, than the ſame jealouſy of the common law, and the ſame contempt of it revived. Nay, to ſuch an extreme was the new tyranny carried, that the very game of EMPSON and DUDLEY was played over again. The trial of an *Engliſhman*, by his peers, was diſgraced and rejected; and (I ſpeak from what I felt) the perſon impriſoned and perſecuted, who dared appeal, though in his own caſe †, to the antient eſſential forms of the conſtitution. Under ſuch a ſtate of things, it is not to be wondered that much pains was taken to depreciate a law which theſe mighty men were determined not to regard. Invectives againſt the profeſſors of the *Engliſh* laws were the uſual and favoured topics of parliamentary eloquence. Theſe were ſometimes ſo indecent and puſhed to that provoking length, that WHITLOCKE himſelf, who paced it with them through all changes, was forced in the end to hazard his repu-

* He might have added, in honour of their patriotiſm, that "they afterwards took themſelves out of it," when they ſaw the extremities to which the popular party were driving.

† This alludes to the proceedings againſt the *eleven members* upon the charge of the army. Sir *John Maynard* was one of them. And when articles of high treaſon were preferred againſt him, and the trial was to come on before the lords, he excepted to the juriſdiction of the court, and, by a written paper preſented to them, required to be tried by his peers according to *Magna Charta, and the law of the land*. See WHITLOCKE's *Memorials*; and a ſhort pamphlet written on that occaſion, called THE ROYAL QUARREL, dated 9th of *Feb.* 1647.—Sir *John* was, at this time, a cloſe priſoner in the Tower.

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tation with his maſters by ſtanding on the neceſſary defence of himſelf and his profeſſion *.

I need not, I ſuppoſe, deſcend lower. Ye have both ſeen with your own eyes the occurrencies of the late reign. Ye have heard the common language of the time. The practice was but conformable to ſuch doctrines as were current at court, where it was generally maintained, that the king's power of diſpenſing with law, was LAW; by which if theſe doctors did not intend the *imperial or civil law*, the inſult was almoſt too groſs to deſerve a confutation. It muſt be owned, and to the eternal ſhame of thoſe who were capable of ſuch baſeneſs, there were not wanting ſome even of the common lawyers that joined in this inſult.

I but touch theſe things ſlightly, for I conſider to whom I ſpeak. But if, to theſe examples of the nation's fondneſs for their laws, you add, what appears in the tenor of our hiſtories, the conſtant language of the *coronation-oaths*, *of the oaths of our judges*, and above all of the *ſeveral great charters*; in all which expreſs mention is made of the LEX TERRÆ, in oppoſition to every foreign, but eſpecially the Cæſarean law; you will conclude with me, "That as certainly as the CÆSAREAN LAW is founded in the principles of ſlavery, our ENGLISH LAW, and the conſtitution to which it refers, hath its foundation in freedom, and, as ſuch, deſerved the care with which it hath been tranſmitted down to us from the earlieſt ages."

What think ye now, my good friends? Is it any longer a doubt that the conſtitution of the *Engliſh* government, ſuch I mean as it appears to have been from the moſt unqueſtioned annals of our country,

* See his ſpeech, inſerted in his *Memorials of Engliſh affairs*, *Now.* 1649.

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is a free conſtitution? Is there any thing more in the way of this concluſion? Or does it not force itſelf upon us, and lie open to the mind of every plain man that but turns his attention upon this ſubject? You began, Mr. *Somers*, with great fears and apprehenſions; or you thought fit to counterfeit them at leaſt. You ſuſpected the matter was too myſterious for common underſtandings to penetrate, and too much involved in the darkneſs of antient times to be brought into open day-light. Let me hear your free thoughts on the evidence I have here produced to you. And yet it is a ſmall part only of that which might be produced, of that I am ſure which yourſelf could eaſily have produced, and perhaps expected from me. But I content myſelf with theſe obvious truths, "That the liberty of the ſubject appears, and of itſelf naturally aroſe, from the very nature of the FEUDAL, which is properly (at leaſt if we look no further back than the conqueſt) the *Engliſh* conſtitution; that the current of liberty has been gradually widening, as well as purifying in proportion as it deſcended from its ſource; that charters and laws have removed every ſcruple that might ariſe about the reciprocal rights and privileges of prince and people; that the ſenſe of that liberty which the nation enjoyed under their admirable conſtitution was ſo quick, that every the leaſt attempt to deprive them of it, gave an alarm; and their attachment to it ſo ſtrong and conſtant, that no artifice, no intrigue, no perverſion of law and goſpel, could induce them to part with it: that, in particular, they have guarded this precious depoſite of legal and conſtitutional liberty with ſuch care, that, while the heedleſs reception of a foreign law, concurring with other circumſtances, hath rivetted the yoke of ſlavery on the other nations of *Europe*, this of *England* could never be cajoled nor driven into any terms of accommodation with it; but, as NAT. BACON

BACON* said truly, *That the triple crown could never well ſolder with the Engliſh*, ſo neither could the *imperial*; and that, in a word, the ENGLISH LAW hath always been preſerved inviolate from the impure mixtures of the canon and Cæſarean laws, as the ſole defence and bulwark of our civil liberties."

Theſe are the plain truths which I have here delivered to you, and on which I could be content to reſt this great cauſe; I mean, if it had not already received its formal and, I would hope, final determination in another way. For no pretences will ſurely prevail hereafter with a happy people to renounce that liberty, which ſo rightfully belonged to them at all times, and hath now ſo ſolemnly been confirmed to them by the great tranſactions of theſe days. I willingly omit therefore as ſuperfluous, what in a worſe cauſe might have been thought of no ſmall weight, the expreſs teſtimony of our ableſt lawyers to the freedom of our conſtitution. I don't mean only the COKES and SELDENS of our time (though in point of authority what names can be greater than theirs); but thoſe of older and therefore more reverend eſtimation, ſuch as GLANVIL, BRACTON, the author of FLETA, THORNTON, and FORTESCUE†: men the moſt eſteemed and learned in their ſeveral ages; who conſtantly and uniformly ſpeak of the *Engliſh*, as a mixed and li-

* Disc. Part I. p. 78.

† The reader may not be diſpleaſed to ſee the words of old *Forteſcue* on this ſubject of the origin of the *Engliſh* government, which are very remarkable. In his famous book *De laudibus legum Angliæ*, he diſtinguiſhes between the REGAL and POLITICAL forms of government. In explaining the *latter*, which he gives us as the proper form of the *Engliſh* government, he expreſſeth himſelf in theſe words — "Habes inſtituti omnis POLITICI REGNI formam, ex quâ metiri poteris poteſtatem, quam rex ejus in leges ipſius aut ſubditos valeat exercere: ad tutelam namque legis ſubdi-

mited form of government, and even go ſo far as to ſeek its origin, where indeed the origin of all governments muſt be ſought, in the free will and conſent of the people.

All this I might have diſplayed at large; and to others perhaps, eſpecially if the cauſe had required ſuch management, all this I ſhould have diſplayed. But independently of the judgments of particular men, which prejudice might take occaſion to object to, I hold it ſufficient to have proved from ſurer grounds, from the very form and make of our political fabric, and the moſt unqueſtioned, becauſe the moſt public, monuments of former times, "THAT THE ENGLISH CONSTITUTION IS ASSUREDLY AND INDISPUTABLY FREE.

Bp. BURNET.

You will read, Sir *John*, in our attention to this diſcourſe, the effect it has had upon us. The zeal, with which you have pleaded the cauſe of liberty, makes me almoſt imagine I ſee you again in the warmth and ſpirit of your younger years, when you firſt made head againſt the encroachments of civil tyranny. The ſame cauſe has not only recalled to your memory the old topics of defence, but reſtores your former vigour in the management of them. So that for myſelf, I muſt freely own, your vindication of our common liberties is, at leaſt, the moſt plauſible and conſiſtent that I have ever met with.

Mr. SOMERS.

And yet, if one was critically diſpoſed, there are ſtill, perhaps, ſome things that might deſerve a fur-

torum, ac eorum corporum et honorum rex hujuſmodi erectus eſt, et hanc poteſtatem A POPULO EFFLUXAM ipſe habet, quo ei non licet poteſtate aliâ *ſuo populo dominari*. CAP. xiii.

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ther explanation.—But enough has been ſaid by you, Sir *John*, to ſhew us where the truth lies: and, indeed, from ſuch plain and convincing topics, that whatever fears my love of liberty might ſuggeſt, they are much abated at leaſt, if not entirely removed by your arguments.

Bp. BURNET.

Mr. *Somers*, I perceive, is not eaſily cured of his ſcruples and apprehenſions. But for my own part, Sir *John*, I can think but of one objection of weight than can be oppoſed to your concluſion. It is, "That, notwithſtanding the clear evidence you have produced, both for the free nature of the *Engliſh* conſtitution, and the general ſenſe of the *Engliſh* nation concerning it, yet, in fact, the government was very deſpotic under the TUDOR, and ſtill more perhaps under the firſt princes of the STUART line. How could this happen, may it be aſked, on your plan which ſuppoſes the popular intereſt to have been kept up in conſtant vigour, or rather to have been always gaining, inſenſibly indeed but neceſſarily, on the power of the crown? Will not the argument then from hiſtorical evidence be turned againſt you, whilſt it may be ſaid that your theory, however plauſible, is contradicted by ſo recent and ſo well atteſted a part of our hiſtory? And, in particular, will not the partiſans * of the late king and his family have to alledge in their behalf, that their notions of the prerogative were but ſuch as they ſucceeded to with the crown; and, whatever may be pretended from reſearches into remoter times, that they endeavoured only to maintain the monarchy on the footing on which it had ſtood for many ſucceſſions, and on which

* Our ſage biſhop was not miſtaken in his conjecture. All this has been ſaid, and very lately too, by an apologiſt for the family of *Stuart*. See THE HIST. OF GREAT-BRITAIN, paſſim.

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it then ſtood when the adminiſtration fell into their hands? If this point were effectually cleared, I ſee nothing that could be further deſired to a full and complete vindication of *Engliſh* liberty.

Sir J. MAYNARD.

Your lordſhip, I muſt own, has touched a very curious and intereſting part of our ſubject. But you muſt not believe it was ſo much overlooked by me, as purpoſely left for your lordſhip's better conſideration. You, who have looked ſo minutely and carefully into the ſtory of thoſe times, will, better than any other, be able to unfold to us the myſteries of that affair. The fact is certain, as you ſay, that the *Engliſh* government wore a more deſpotic appearance from the time of the TUDOR family's acceſſion to the throne, than in the reigns preceding that period. But I am miſtaken, if your lordſhip will not open the reaſon of it ſo clearly as to convince us, that that increaſe of prerogative was no proof of a change in the conſtitution, and was even no ſymptom of declining liberty. I do not allow myſelf to ſpeak my ſentiments more plainly at preſent. But I am ſure, if they are juſt, they will receive a confirmation from what your lordſhip will find occaſion to obſerve to us in diſcourſing on this ſubject.

Mr. SOMERS.

I will not diſown that this was one of the matters I had in view, when I hinted ſome remaining doubts about your general concluſion. But I knew it would not eſcape my lord of *Saliſbury*, who, of all others, is certainly the moſt capable of removing it.

Bp. BURNET.

So that I have very unwarily, it ſeems, been providing a fine taſk for myſelf. And yet, as difficult as I foreſee it will be for me to ſatisfy two ſuch Inquirers, I ſhould

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I ſhould not decline that taſk, if I was indeed prepared for it, or, if I could boaſt of ſuch a memory as Sir *J. Maynard* has ſhewn in the courſe of this converſation. But the truth is, though I have not wanted opportunities of laying in materials for ſuch a deſign, and though I have not neglected to take ſome ſlight notes of them, yet I cannot pretend to have them at once in that readineſs, as to venture on ſuch a diſcourſe as I know you expect from me. But, if againſt our next meeting, I ſhall be able to digeſt ſuch thoughts as have ſometimes occurred to me when I was engaged in the hiſtory of the reformation, I ſhall take a pleaſure to contribute all I can to the further and more entire elucidation of this ſubject.

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DIALOGUE VI.

ON THE

CONSTITUTION

OF THE

ENGLISH GOVERNMENT.

Sir JOHN MAYNARD, Mr. SOMERS,
Biſhop BURNET.

Written in the Year 1689.

Atque hæc deinde canit divino ex ore SACERDOS.
VIRG.

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DIALOGUE VI.

Sir JOHN MAYNARD, Mr. SOMERS, Biſhop BURNET,

To Dr. TILLOTSON.

OUR next meeting at Sir J. MAYNARD's was on the evening of that day, when the war was proclaimed againſt *France* *. What the event of it will be, is a ſecret in the counſels of providence. But if the goodneſs of our cauſe, his majeſty's known wiſdom and ability, and above all the apparent zeal and firmneſs of all orders amongſt us in ſupport of this great undertaking, may give a proſpect of ſucceſs, we cannot, I perſuade myſelf, but indulge in the moſt reaſonable hopes and expectations.

Perhaps, the time is approaching, my dear friend, which the divine goodneſs hath decreed for putting a ſtop to that outrageous power, which hath been permitted for ſo long a courſe of years to afflict the neighbouring nations. It may be, the ſeaſon is now at hand when God will vouchſafe to plead the cauſe of his ſervants, and let this mighty perſecutor of the faithful know that he may not be ſuffered any longer to trample on the ſacred rights of conſcience. He may be taught to feel, that the ravages he hath committed in the faireſt provinces, and the cruelties he hath exerciſed on the beſt ſub-

* 7 May, 1689.

jects

jects, of his own kingdom, have at length awakened the divine displeasure against him. And he may live to find in our great prince (raised up, as I verily believe, to this eminence of place and power to be the scourge of tyrants, and the vindicator of oppressed nations) an insurmountable bulwark against that encroaching dominion, which threatens to deform and lay waste the rest of *Europe*.

I have already lived to see those providences, which may encourage a serious and good mind to believe that some great work is preparing in our days. I was very early in my life a witness to the high measures which were taken and carried on by an intolerant hierarchy, acting in subserviency to an arbitrary court, in mine own country of *Scotland*. And I have lamented the oppression in which good men were held for conscience sake in all the three kingdoms. How far this tyranny was carried, and how near we were brought to the destruction of all our civil and religious rights need not be told, and the occurrences of the two last reigns will not suffer to be forgotten. It is sufficient to observe, that when the danger was now brought to a crisis, and the minds of all men were filled with the most alarming apprehensions, it pleased God to rescue us, in a moment, and by the most astonishing display of his goodness, from the impending ruin. Our chains fell off at once, as by a miracle of mercy. Our civil rights have been restored. And the legal toleration *, we have just now obtained in consequence of the new settlement, hath put us into possession of that religious liberty, which, as men,

* The act of toleration did not pass till 24 *May*, 1689; which lets us see at what time this preface was drawn up.

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as christians, and as protestants, we cannot but esteem the first of all public blessings.

And who knows but that, in the gracious designs of heaven, the same hand, which hath redeemed these nations from the yoke of slavery and of Rome, may be now employed to shake it off from the necks of our protestant brethren on the continent *? The world hath seen how long and how severely they have groaned under that intolerant power, with which we are now at war. When the violences of the late reign had driven me into a sort of voluntary exile, and in the course of it I traversed some of those unhappy provinces of France, which were most exposed to the rigours of persecution †, how have these eyes wept over the

* This, I suppose, was the talk of men at that time. It was perhaps in the King's intention. But the design, if it had ever been formed, miscarried; as the Bishop himself observes in his history — "The most melancholy part of "the treaty of *Ryswick* was, that no Advantages were got "by it, in favour of the protestants in *France*." vol. iv. p. 295. *Edinb.* 1753. — Whether the blame of this lies in the King, or his parliaments, or neither, the reader is left to judge for himself from considering the state and transactions of those times.

† These rigours which the bishop touches in this place, he afterwards gave a particular account of in THE HISTORY OF HIS OWN TIMES, vol. iii. *Edinb.* 1753. — speaking of the persecution of the *French* protestants, he says, "I went over a great part of *France*, while it was "in its hotteſt rage from *Marseilles* to *Montpelier*, and "from thence to *Lyons*, and so on to *Geneva*. I saw, and "knew so many instances of their injustice and violence, "that it exceeded even what could have been well ima- "gined; for all men set their Thoughts on work to in- "vent new methods of cruelty. In all the towns thro' "which I passed, I heard the most dismal accounts of "things possible, p. 60.—Again—The fury that appeared "on this occasion did spread itself with a sort of conta-

distresses

distresses of the poor sufferers, and how hath my heart bled for the merciless cruelties which I every where saw exercised upon them! The fury, which appeared on that occasion, was so general and so contagious, that not only priests and court sycophants, but men of virtuous minds and generous tempers were transported, as it were, out of their proper nature, and seemed to divest themselves of the common notices and principles of humanity.

In this fiery trial it hath pleased God to exercise the faith and virtues, and, as we may charitably hope, to correct the failings and vices of his poor servants. His mercy may now, in due time, be opening a way for them to escape. And from the prosperous beginning of this great work, what comfortable presages may we, not, in all humility, form to ourselves of still further successes!

We have a prince on the throne exactly qualified for the execution of this noble enterprize; of the clearest courage and magnanimity, and as wisdom tried and perfected in that best school, of Adversity; of dispositions the most enlarged to the service of mankind; and even quickened by his own personal resentment of former injuries to retaliate against their common oppressor.

"gion: for the intendants and other officers, that had "been mild and gentle in the former parts of their "life, seemed now to have laid aside the compassion "of Christians, the breeding of gentlemen, and the im- "pressions of humanity." p. 61. — One may conclude from the likeness of these passages that the bishop, in this recital, purposely copied from the loose papers, that were then in his hands, out of which he afterwards composed his Memoirs.

Nor

Nor can we doubt of the concurrence of his faithful subjects, who, with one voice, have demanded the commencement of this war; and whose late deliverance, from like circumstances of distress, may be expected to animate their zeal in the support of it.

And oh! that I might see the day, when our deliverer shall become, what a bold usurper nobly figured to himself in the middle of this century, the soul and conductor of the protestant cause through all *Europe!* and, that as *Rome* hath hitherto been the centre of slavish impositions and antichristian politics, the court of *England* may henceforth be the constant refuge and asylum of fainting liberty and religion!

But to turn from these flattering views, my good friend, to the recital of our late conversations, which I proceed to lay before you with the same exactness and punctuality that I did the former. You will see the reason why I cannot promise you the same entertainment from it.

We had no sooner come together, than Sir *J. Maynard* began with his usual vivacity. "I have been thinking, my lord, how dexterous a game I have played with you in this inquiry of ours into the *English* government. What was obvious enough in itself, and had indeed been undertaken by many persons, I mean the vindication of our common liberties as founded in the ancient feudal constitution, is the part I assumed to myself in

* He means Cromwell, who, it seems, had a design of setting up "a council for the protestant religion, in opposition to the congregation *de propagandâ fide* at *Rome*." See the bishop's own account in his hist. vol. I. p. 169.

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this debate; and have left it to your lordship to reconcile the FACT to the RIGHT: which is not only the most material point of inquiry, but the most difficult; and that which the patrons of liberty have either less meddled with, or have less succeeded in explaining. For to own an unwelcome truth, however specious our claim may be to civil liberty, the administration of government from the time of *Henry* VII's. accession to the crown, that is, for two entire centuries, has very little agreed to this system. The regal power, throughout this period, has been uniformly exercised in so high and arbitrary a manner, that we can hardly believe there could be any certain foundation for the people's claim to a limited monarchy. Add to this, that the language of parliaments, the decrees of lawyers, and the doctrines of divines, have generally run in favour of the highest exertions of prerogative. So that I cannot but be in some pain for the success of your undertaking, and am at a loss to conjecture in what way your lordship will go about to extricate yourself from these difficulties.

Bp. BURNET.

I understand, Sir *John*, that your intention in setting forth the difficulties of this attempt is only, in your polite way, to enhance the merit of it. I must not however assume too much to myself. The way is clear and easy before me. You have conducted us very agreeably through the rough and thorney part of our journey. You have opened the genius of our antient constitution. You have explained the principles on which it was raised. All that remains for me is only to solve doubts, and rectify appearances; a matter of no great difficulty, when, instead of groping in the dark, we are now got into open day-light, and are treading in the paths of known and authentic history. Mr.

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Mr. SOMERS.

And yet, my lord, I ſhall very readily acknowledge, with my lord commiſſioner, the importance of the ſervice. For, unleſs appearances be ſtrangely deceitful indeed, there is but too great reaſon to conclude, from the recent parts of our hiſtory, either that there never was a rightful claim in the people to civil liberty, or that they, as well as their princes, had loſt all ſenſe of it. I doubt the moſt your lordſhip can make appear, is, that as our kings, from the coming of the Tudor line, had uſurped on the antient privileges of the ſubject, ſo the ſubject, at length, in our days, has, in its turn, uſurped on the undiſputed and long acknowledged prerogative of the ſovereign. In ſhort, I doubt there is no forming a connected ſyſtem on theſe ſubjects, but that in our country, as well as in others, liberty and prerogative have prevailed and taken the aſcendant at different times, according as either was checked or favoured by contingent circumſtances.

Bp. BURNET.

Still Mr. Somers, I ſee, is on the deſponding ſide: And with better reaſon than before, ſince, if the difficulty be half ſo great, as is pretended, this change of the ſpeaker is little favourable to the removal of it. However I do not deſpair, whether theſe ſurmiſes of difficulty be real or diſſembled, to clear up the whole matter to both your ſatisfactions. The ſtreſs of it lies here: That, whereas a mixed and limited government is ſuppoſed to have been the antient conſtitution in this country, the appearances, in fact, for a couple of centuries, have been ſo repugnant to this notion, that either the ſuppoſition muſt be given up as too haſtily formed, or ſufficient reaſons muſt be aſſigned

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for these contradictory appearances. I embrace the latter part of this alternative without hesitation or reserve; and pretend to lay before you such unanswerable arguments for the cause I have undertaken, as, in better hands, might amount to a perfect vindication of ENGLISH LIBERTY.

I take my rise from the period which my lord commissioner has prescribed to me; that is, from the accession of the Tudor family.

We have henceforth indeed a succession of high despotic princes, who were politic and daring enough to improve every advantage against the people's liberties. And their peculiar characters were well suited to the places in which we find them. Henry VII. was wise and provident; jealous of his authority as well as title; and fruitful in expedients to secure both. His son and successor, who had a spirit of the largest size, and, as one says *, *feared nothing but the falling of the heavens*, was admirably formed to sustain and establish that power, which the other had assumed. And after two short reigns, which afforded the people no opportunity of recovering their lost ground, the crown settled on the head of a princess, who, with the united qualifications of her father and grandfather, surpassed them both in the arts of a winning and gracious popularity. And thus, in the compass of a century, the prerogative was now wound up to a height, that was very flattering to the views and inclinations of the Stuart family.

It may be further observed, that the condition of the times was such as wonderfully conspired with the designs and dispositions of these princes.

* NAT. BACON, in his Disc. part ii. p. 125, Lond. 1739.

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A long and bloody war, that had well nigh exhauſted the ſtrength and vitals of this country, was, at length, compoſed by the fortunate ſucceſſes of Boſworth field. All men were deſirous to breathe a little from the rage of civil wars. And the enormous tyranny of the prince, whoſe death had made way for the exaltation of the earl of Richmond, was a ſort of foil to the new government, and made the rigours of it appear but moderate when ſet againſt the cruelties of the preceding reign.

The great change that followed in the deliverance of the nation from papal tyranny, and the ſuppreſſion of religious houſes, was a new pretence for the extenſion of the royal prerogative; and the people ſubmitted to it with pleaſure, as they ſaw no other way to ſupport and accompliſh that important enterprize.

And, laſtly, the regal power, which had gained ſo immenſely by the rejection of the papal dominion, was carried ſtill higher by the great work of reformation; which, being conducted by a wiſe and able princeſs, was eaſily improved, on every occaſion, to the advantage of the crown.

And thus, whether we conſider the characters of the perſons, or the circumſtances of the times, every thing concurred to exalt the princes of the houſe of Tudor to a height of power and prerogative, which had hitherto been unknown in England, and became, in the end, ſo dangerous to the conſtitution itſelf.

But you expect me, I ſuppoſe, to point to the very examples of uſurpation, I have in view, and

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the means by which it took effect in the hands of theſe and the ſucceeding princes.

Sir J. MAYNARD.

We do indeed expect that from your lordſhip. For otherwiſe it will be thought that what you treat as an uſurpation, was but the genuine exerciſe of the regal authority; only favoured by fortunate conjunctures, and, as you ſay, by great ability in the princes themſelves.

Mr. SOMERS.

Perhaps ſtill more will be expected. For it may not be enough to tell us, what uſurpations there were, or even by what means they became ſucceſsful. It ſhould further appear, methinks, that theſe uſurpations, though they ſuſpended the exerciſe of the peoples liberties, did not deſtroy them; did not at leaſt infringe on the conſtitution from which thoſe liberties were derived.

Bp. BURNET.

All this will naturally come in our way as we go along. And, ſince you will have me uſurp the chair on this occaſion, and, like the princes I am ſpeaking of, take to myſelf an authority to which I have no right, let me preſume a little on my new dignity; and, in what follows, diſcourſe to you, as our manner is, without interruption or reply.

Sir J. MAYNARD.

This, it muſt be owned, is carrying the prerogative of the chair to it's utmoſt height. But, if we ſubmit to it in other places, is it reaſonable you ſhould require us to do ſo here? Beſides, your lordſhip forgets that I am too old to be a patient hearer. And Mr. Somers too.---

Mr.

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Mr. SOMERS.

I can engage, in this inſtance, for paſſive obedience. And my lord, perhaps, does not inſiſt on the full extent of his prerogative. It is fit, however, we attend with reverence, while ſuch an advocate is pleading in ſuch a cauſe.

Bp. BURNET.

I was ſaying that all your demands would be ſatisfied, as I went along in this diſcourſe. It is true, an attentive reader of our hiſtory, who conſiders what is ſaid of the mixed frame of our government, and the ſtruggles that were occaſioned by it, is ſurpriſed to find that theſe contentions at once ſubſided on the acceſſion of the houſe of Tudor; and that the tenour of the government thenceforth for many ſucceſſions is as calm, and the popular influence as ſmall, as in the moſt abſolute and deſpotic forms. This appearance tempts him to conclude that the crown had at length redeemed itſelf from a forced, unconſtitutional ſervitude; and that, far from uſurping on the people, it only returned to the exerciſe of it's old and acknowledged rights. For otherwiſe it will be ſaid, how could the people at once become ſo inſenſible, and their repreſentatives in parliament ſo tame, as to bear with the moſt imperious of their princes without reluctance; they, who had reſented much ſmaller matters from the gentleſt and the beſt?

But thoſe, who talk in this ſtrain, have not conſidered, that there were ſome circumſtances in the ſtate of things, from the time we are ſpeaking of, that DISABLED the nation from inſiſting, and many more that INDISPOSED them to inſiſt on their antient and undoubted rights.

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I took notice, that the ruinous contentions of the two houſes of York and Lancaſter, from which the nation was at laſt delivered by the acceſſion of Henry VII, diſpoſed all men to ſubmit with ſatisfaction to the new government. Such a conjuncture was favourable, of itſelf, to the increaſe of the regal power. But the truth is, there was little danger of any ſucceſsful oppoſition to the crown, if the nation had been ever ſo ill inclined towards it. The great lords, or barons were, in former days, both by the feudal conſtitution, and by the vaſt property they had in their hands, the proper and only check on the ſovereign. Theſe had been either cut off, or ſo far weakened at leaſt by the preceding civil wars, that the danger ſeemed entirely over from that quarter. The politic king was aware of his advantage, and improved it to admiration. One may even affirm, that this was the ſole object of his government.

For the greater ſecurity, and majeſty of his perſon, he began with the inſtitution of his LIFE-GUARD. And having thus ſet out with enlarging his own train, his next care was to diminiſh that of his nobles. Hence the law, or rather laws (for as lord Bacon obſerves, there was ſcarcely a parliament through his whole reign which paſſed without an act to that purpoſe) againſt RETAINERS. And with how jealous a ſeverity he put thoſe laws into execution, is ſufficiently known from his treatment of one of his principal friends and ſervants, the earl of Oxford *.

It was alſo with a view to this depreſſion of the nobility, that the court of STAR-CHAMBER was con-

* The ſtory is told by lord Bacon in his hiſtory of this prince.

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ſidered ſo much, and confirmed by act of parliament in his reign: "That which was principally aimed at by it being, as his hiſtorian frankly owns, FORCE, and the two chief ſupports of Force, COMBINATION OF MULTITUDES, and maintenance or HEADSHIP OF GREAT PERSONS."

To put them ſtill lower in the public eſtimation, he affected to fill the great offices with churchmen only. And it was, perhaps, as much to awe the nation by the terror of his prerogative as to fill his coffers, that he executed the penal laws with ſo mercileſs a rigour on the very greateſt of his ſubjects.

Still further, to prevent the poſſibility of a return, in any future period, of the patrician power, this politic prince provided with great care for the encouragement of trade, and the diſtribution of property. Both which ends were effected at once by that famous act, which was made to ſecure and facilitate the alienation of eſtates by fine and proclamation.

All theſe meaſures, we ſee, were evidently taken by the king to diminiſh the credit and ſuppreſs the influence of his nobles; and of conſequence, as he thought, to exalt the power of the crown above controul, if not in his own, yet in ſucceeding ages. And his policy had this effect for ſome time; though in the end it proved, beſides his expectation, to advance another and more formidable power, at that time little ſuſpected or even thought of, the POWER OF THE PEOPLE *.

* He did not conſider that maxim of the lord Bacon, "depreſſion of the nobility may make a king more abſolute, but leſs ſafe." Works, vol. iii. p. 296.

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The truth is, Henry's policy was every way much aſſiſted by the genius of the time. Trade was getting up: and lollardiſm had ſecretly made its way into the hearts of the people. And, tho' *liberty* was in the end to reap the benefit of each, *prerogative* was the immediate gainer. Commerce, in proportion to its growth, brought on the decline of the feudal, that is, ariſtocratic power of the barons: And the authority of the church, that other check on the ſovereign, was gradually weakened by the prevailing ſpirit of reformation.

Under theſe circumſtances, Henry found it no difficulty to depreſs his great lords; and he did it ſo effectually, that his ſon had little elſe left him to do, but to keep them down in that weak and diſabled ſtate, to which his father had reduced them. 'Tis true, both he and his ſucceſſors went further. They never thought themſelves ſecure enough from the reſiſtance of their old enemies, the barons †; and ſo continued, by every method of artifice and rapine, to ſink them much lower than even the ſafety of their own ſtate required. But the effects of this management did not appear till long afterwards. For the preſent, the crown received a manifeſt advantage by this conduct.

There was, beſides, another circumſtance of great moment attending the government of the younger Henry. He was the firſt heir of the white and red roſes: ſo that there was now an end of all diſpute and diſaffection in the people. And they had ſo long and ſo violently contended about

† And yet lord Bacon tells us, that when Hen. VIII. came to the crown, "There was no ſuch thing as any great and mighty ſubject, who might any way eccliſe or overſhade the imperial power." Works, vol. iii. p. 508.

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the title to the crown, that when that mighty point was once ſettled, they did not readily apprehend that any other conſideration deſerved, or could juſtify reſiſtance to their ſovereign.

With theſe advantages of ſituation Henry VIII. brought with him to the throne a ſpirit of that firm and ſteddy temper as was exactly fitted to break the edge of any riſing oppoſition. Beſides the confidence of youth, he was of a nature ſo elate and imperious, ſo reſolved and fearleſs †, that no reſiſtance could ſucceed, hardly any thought of it could be entertained againſt him. The commons, who had hitherto been unuſed to treat with their kings but by the mediation of the great lords, being now puſhed into the preſence, were half diſcountenanced in the eye of majeſty; and durſt ſcarcely look up to the throne, much leſs diſpute the prerogatives with which ſo awful a prince was thought to be inveſted.

And when the glaring abuſe of his power, as in the exaltation of that great inſtrument of his tyranny, WOLSEY, ſeemed afterwards to provoke the people to ſome more vigorous reſolutions, a ſingular event happened which not only preſerved his greatneſs, but brought a further increaſe to it. This was the famous rupture with the court of Rome: in conſequence of which the yoke of papal uſurpations, that yoke under which our kings had groaned for ſo many ages, was in a moment broken off, and the crown reſtored to its full and perfect independency.

† "A man, as Mr. Bacon characteriſes him, underneath many paſſions, but above fear." Diſc. Part. ii. p. 120.

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Nor was this all. The throne did not only ſtand by itſelf, as having no longer a dependence on the papal chair. It roſe ſtill higher, and was, in effect, erected upon it. For the eccleſiaſtical juriſdiction was not annihilated, but transferred; and all the powers of the Roman pontif now centered in the king's perſon. Henceforth then we are to regard him in a more awful point of view; as armed with both ſwords at once; and as NAT. BACON expreſſes it in his way, as a ſtrange kind of monſter, "A king with a pope in his belly †."

The remainder of his reign ſhews that he was politic enough to make the beſt uſe of what his paſſions had brought on, and thus far accompliſhed. For though the nation wiſhed, and, without doubt, hoped to go much further, the king's quarrel was rather with the court, than church of Rome. And the high authority in ſpirituals, which he had gained, enabled him to hold all men, who either feared or deſired a further reformation, in the moſt entire ſubjection.

In the mean time, the nation rejoiced with great reaſon at its deliverance from a foreign tyranny: And the laviſh diſtribution of that wealth which flowed into the king's coffers from the ſuppreſſed monaſteries, procured a ready ſubmiſſion, from the great and powerful to the king's domeſtic tyranny.

In a word, every thing contributed to the advancement of the regal power; and, in that, to the completion of the great deſigns of providence. The amazing revolution, which had juſt happened, was, at all events, to be ſupported: And thus

† Diſc. part ii. p. 125.

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partly by fear, and partly by intereſt, the parliament went along with the king in all his projects; and, beyond the example of former times, was conſtantly obſequious to him even in the moſt capricious and inconſiſtent meaſures of his government.

And thus matters, in a good degree, continued till the acceſſion of Queen Elizabeth. It is true, the weak adminiſtration of a minor king, and a diſputed title at his death, occaſioned ſome diſorders. But the majeſty of the crown itſelf was little impaired by theſe buſtles; and it even acquired freſh glory on the head of our renowned proteſtant princeſs.

For that aſtoniſhing work of reformation, ſo happily entered upon by Henry, and carried on by his ſon, was after a ſhort interruption (which only ſerved to prove and animate the zeal of good men) brought at length by her to it's final eſtabliſhment. The intolerable abuſes and ſhameleſs corruptions of popery were now ſo notorious to all the world, and the ſpirit of reformation, which had been ſecretly working ſince the days of Wickliff, had now ſpread itſelf ſo generally through the nation, that nothing but an entire renunciation of the doctrine and diſcipline of the church of Rome could be expected. And by the happieſt providence the queen was as much obliged by the intereſt of her government and the ſecurity of her title, as by her own unſhaken principles, to concur with the diſpoſitions of her ſubjects.

Thus, in the end, proteſtantiſm prevailed, and obtained a legal and fixed ſettlement. But to maintain it, when made, againſt the combined powers that threatened it's deſtruction, the crown

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on which ſo much depended, was to be held up in all it's ſplendor to the eyes of our own and foreign nations. Hence the height of prerogative in Elizabeth's days, the ſubmiſſion of parliaments, and, I may almoſt ſay, the proſtration of the people.

And when this magnanimous princeſs, as well by her vaſt ſpirit and perſonal virtues, as the conſtant ſucceſſes of her long reign had derived the higheſt dignity and authority on the Engliſh ſceptre, it paſſed into the hands of the elder James; who brought ſomething more with him, than a good will, the acceſſion of a great kingdom and the opinion of deep wiſdom, to enable him to wield it.

What followed in his and the ſucceeding reigns, I need not be at the pains to recount to you. Theſe things are too recent for me to dwell upon; and you, my lord commiſſioner, do not only remember them perfectly, but have yourſelf acted a great part in moſt of them. Allow me only to ſay, that from this brief hiſtory of the regal authority, and the means by which it arrived at ſo unuſual a greatneſs, it is no wonder that the Stuart family were ſomewhat dazzled by the height to which they were raiſed, and that more than half a century was required to correct, if it ever did correct, the high but falſe notions they had entertained of the imperial dignity.

Sir J. MAYNARD:

If you permit me, at laſt, to break in at the opening which this concluſion of your diſcourſe ſeems to give me, I would ſay, That, on your principles, the houſe of Stuart had great reaſon for the high notions you aſcribe to them. For what other concluſion could they make but that a power,

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power, which had domineered for so long a time, and that by the full allowance of parliament and people, was both in fact and right, absolute and uncontrolable?

Bp. BURNET.

It is certain, the Stuart family did draw that conclusion. But a great deal too hastily; as may appear from your own observation, that the exercise of this extraordinary power was committed, or more properly indulged to them by the people. This is so strictly true, that from the first to the last of the Tudor line, imperious and despotic as they were, of their own nature, no stretch of power was ventured upon by any of them, but under the countenance and protection of an act of parliament. Hence it was that the STAR-CHAMBER, though the jurisdiction of this court had the authority of the common law, was confirmed by statute; that the proceedings of EMPSON and DUDLEY had the sanction of parliament; that Henry VIIIth's supremacy, and all acts of power dependent upon it, had the same foundation: in a word, that every thing, which wore the face of an absolute authority in the king, was not in virtue of any supposed inherent prerogative in the crown, but the special grant of the subject. No doubt, this compliance, and particularly if we consider the lengths to which it was carried, may be brought to prove the obsequious and even abject dispositions of the times; though we allow a great deal, as I think we should, to prudence and good policy. But then the parliaments, by taking care to make every addition to the crown their own proper act, left their kings no pretence to consider themselves as absolute and independent.

Mr.

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Mr. Somers.

I doubt, conſidering the ſlaviſh diſpoſition of the times, that, if the people ſtill poſſeſſed a ſhew of liberty, this advantage was owing to the pure condeſcenſion of the crown, and not to their own policy. A king that could obtain of his parliament to have his proclamations paſs for laws *, might have ventured on this ſtep without the concurrence of parliament.

Bp. Burnet.

I acknowledge the act you glance at was of an extraordinary kind; and might ſeem, by implication at leaſt, to deliver up the entire legiſlative authority into the hands of the ſovereign. But there is a wide difference between the crown's uſurping this ſtrange power, and the parliament's beſtowing it. The caſe was, (and nothing could be more fortunate for the nation) that at the time when the people were leaſt able to controll their prince, their prince's affairs conſtrained him to court his people. For the rejection of the papal power and the reformation of religion were things of that high nature and ſo full of hazard, that no expedient was to be overlooked, which tended to make the execution of theſe projects ſafe or eaſy. Hence it was that no ſteps were taken by the crown but with the conſent and approbation of the two houſes. And if theſe were compelled by the circumſtances of their ſituation to favour their prince's intereſt or caprice by abſurd and inconſiſtent compliances, this benefit at leaſt they drew to themſelves, that their power by that means would appear the greater and more unqueſtionable. For what indeed could diſplay the omnipotency

* This terrible act is 31 Hen. VIII. c. 8. It was repealed in 1 Edw. VI. c. 12.

of

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of parliaments more than their being called in to make and unmake the meaſures of government, and give a ſanction, as it were, to contradictions? Of which there cannot be a ſtronger inſtance than the changes they made from time to time, as Henry VIII's. paſſions ſwayed him, in the rule of ſucceſſion.

Thus we ſee that through the entire reigns of the houſe of Tudor, that is, the moſt deſpotic and arbitrary of our princes, the forms of liberty were ſtill kept up, and the conſtitution maintained, even amidſt the advantages of all ſorts which offered for the deſtruction of both. The parliament indeed was obſequious, was ſervile, was directed, if you will, but every proceeding was authoriſed and confirmed by parliament. The king in the mean time found himſelf at his eaſe; perhaps believed himſelf abſolute, and conſidered his application to parliaments as an act of mere grace and popular condeſcenſion. At leaſt after ſo long experience of their ſubmiſſion, the elder James certainly thought himſelf at liberty to entertain this belief of them. But he was the firſt of our princes that durſt avow this belief plainly and openly. He was ſtimulated, no doubt, to this uſurpation of power in England by the memory of his former ſubjection, or ſervitude rather, to the imperious church of Scotland. But this was not all. Succeeding to ſo fair a patrimony as that of a mighty kingdom, where little or no oppoſition had been made for ſome reigns to the will of the ſovereign; to a kingdom too, ſecurely ſettled in the poſſeſſion of it's favoured religion, which had occaſioned all the dangers, and produced all the condeſcenſion of the preceding princes; bringing, beſides, with him to the ſucceſſion, an undiſputed title and the additional ſplendor of another crown; all theſe advantages meeting in his perſon at that point of time,

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time, he ventured to give way to his natural love of dominion, and told the people to their face that the pretended rights of their parliaments were but the free gifts and graces of their kings: that every high point of government, that is, every point which he chose to call by that name, was wrapt up in the awful mystery of his prerogative: and, in a word, that "it was sedition for them to dispute what a king may do in the height of his power *."

Such, you know, was the language, the public language to his parliaments, of JAMES THE FIRST. But these pretences, which might have been suffered perhaps, or could not have been opposed under the Tudor line, were unluckily out of season, and would not pass on a people who knew their own rights, had saved to themselves the exercise of them, and came now at length to feel and understand their importance. For, as I before observed, the principal cause that had lifted the crown so high, was the depression of the barons. The great property which had made them so formidable, was dispersed into other hands. The nobility were therefore too low to give any umbrage to the crown. But the commons were rising apace, and in a century had grown to that height, that on the accession of the Scotch family, the point of time when the new king dreamed of nothing but absolute sovereignty †, they were now in a condition to assert the public liberty, and, as the

* Speech to the lords and commons at Whitehall. An. 1609.

† Somebody said well of this king — "That he spake peace abroad, and sung lullaby at home: yet, like a dead calm in a hot spring, treasured up in store sad distempers against a back winter."

event

event ſhewed but too ſoon, to ſnatch the ſceptre itſelf out of their king's hands.

However, in that interval of the dormant power of the commons it was, that the prerogative made the largeſt ſhoots, till in the end it threatened to overſhadow law and liberty. And, though the general reaſon is to be ſought in the humiliation of the church, the low eſtate of the barons, and the unexerted, becauſe as yet unfelt, greatneſs of the commons, the ſolution will be defective if we ſtop here. For the regal authority, ſo limited by the antient conſtitution, and by the continued uſe of parliaments, could never in this ſhort ſpace have advanced itſelf beyond all bounds, if other reaſons had not co-operated with the ſtate of the people; if ſome more powerful and ſpecial cauſes had not conſpired to throw round the perſon of the ſovereign thoſe rays of ſacred opinion, which are the real ſtrength as well as gilding of a crown.

Of theſe I have occaſionally mentioned ſeveral; ſuch as "the perſonal character and virtues of the princes themſelves; the high adventurous deſigns in which they were engaged; the intereſt, the people found or promiſed to themſelves in ſupporting their power; the conſtant ſucceſſes of their adminiſtration; and the unremitting ſpirit and vigour with which it was carried on and maintained." All theſe conſiderations could not but diſpoſe the people to look up with reverence to a crown, which preſented nothing to their view but what was fitted to take their admiration, or imprint eſteem. Yet all theſe had failed of procuring to majeſty that profound ſubmiſſion which was paid to it, or of elevating the prince to that high conceit of independency which ſo thoroughly poſſeſſed the imagination of king James, if an event of a very ſingular

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nature, and big with important consequences, had not given the proper occasion to both.

Sir J. MAYNARD.

I understand you to mean the overthrow of the papal dominion, which had so long eclipsed the majesty of our kings; and held them in a state of vassalage, not only to the triple crown, but, which was more disgraceful, to the mitre of their own subjects.

Bp. BURNET.

Rather understand me to mean, what was indeed the consequence of that event, THE TRANSLATION OF THE POPE'S SUPREMACY TO THE KING. This, as I take it, was the circumstance of all others which most favoured the sudden growth of the imperial power in this nation. And, because I do not remember to have seen it enlarged upon, as it deserves, give me leave to open to you, somewhat copiously, the nature of this newly acquired headship, and the numerous advantages which the prerogative received from it.

THE PAPAL SUPREMACY, as it had been claimed and exercised in this kingdom, was a power of the highest nature. It controlled every rank and order in the state, and, in effect, laid the prince and people together at the mercy of the Roman pontif. There is no need to recount the several branches of this usurped authority. It is enough to say, that it was transcendant in all respects that could in any sense be taken to concern religion. And who, that has looked into the papal story, needs be told that, by a latitude of interpretation, every thing was construed to be a religious concern, by which the pope's power or interest could be affected?

Under

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Under the acknowledgment then of this super-eminent dominion, no steps could possibly be taken towards the reformation of religion, or even the assertion of the just rights and privileges of the crown. But the people were grown to have as great a zeal for the former of these considerations, as the king for the latter. And in this juncture it was that Henry, in a sudden heat, threw off the supremacy; which the parliament, to prevent it's return to the pope, very readily invested in the king.

There was something so daring, and, according to the prejudices of that time, so presumptuous and even prophane in this attempt to transfer the spiritual headship to a secular power, that the pope himself little apprehended, and nothing but that king's dauntless temper could have assured, the success of it. The repugnancy which the parliament themselves found in their own notions betwixt the exercise of the spiritual and temporal power, was the reason perhaps for inserting in the act of supremacy those qualifying clauses, we find in it †.

Mr. SOMERS.

It is possible, as you say, that the parliament might be at a loss to adjust in their own minds the precise bounds of the spiritual jurisdiction, as united to the civil in the king's person. Yet, in virtue of these clauses, the regal supremacy was, in fact, restrained and limited by act of parliament: And

† Meaning such clauses as these—*as by any spiritual or ecclesiastical power or authority may* LAWFULLY *be exercised*, and, *provided that nothing be done contrary to the* LAWS *of this realm.*

the import of them was clearly to assert the independency of the crown on any foreign judicature, and not to confer it in the extent in which it was claimed and exercised by the see of Rome.

Bp. BURNET.

It is true, that no more was expressed, or perhaps intended in this act. But the question is, how the matter was understood by the people at large, and in particular by the king himself and his flatterers. Now it seems to me that this transfer of the supremacy would be taken for a solemn acknowledgment, not only of the antient encroachments and usurpations of the papacy, but of the king's right to succeed to all the powers of it. And I conclude this from the nature of the thing itself, from the current notions of the Time, and from the sequel of the king's government.

If we attend to the nature of the complaints which the nation was perpetually making, in the days of popery, of the Roman usurpations, we shall find that they did not so much respect these usurpations themselves, as the person, claiming and enjoying them. The grievance was, that appeals should be made to Rome, that provisions should come from thence; in a word, that all causes should be carried to a foreign tribunal, and that such powers should be exercised over the subjects of this realm by a foreign jurisdiction. The complaint was, that the pope exercised these powers, and not that the powers themselves were exercised. So on the abolition of this supremacy, the act that placed it in the person of the king, would naturally be taken to transfer upon him all the privileges and pre-eminencies, which had formerly belonged to it. And thus, though the act was so properly drawn as to make a difference in the two cases,

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cases, yet the people at large, and much more the king himself, would infer from the conceſſion, "that the pope had uſurped his powers on the crown," that therefore the crown had now a right to thoſe powers. And the circumſtance of this tranſlation's paſſing by act of parliament, does not alter the matter much, with regard to the king's notion of it. For in that time of danger, and for the greater ſecurity of his new power, he would chuſe to have that ratified and confirmed by ſtatute which he firmly believed inherent in his perſon and dignity.

Then, to ſee how far the current opinions of that time were favourable to the extention of the regal authority, on this alliance with the papal, we are to reflect, that, however odious the adminiſtration of the pope's ſupremacy was become, moſt men had very high notions of the plenitude of his power, and the ſacredneſs of his perſon. "Chriſt's vicar upon earth" was an awful title, and had ſunk deep into the aſtoniſhed minds of the people. And though Henry's pretenſions went no farther than to aſſume that vicarial authority within his own kingdom, yet this limitation would not hinder them from conceiving of him much in the ſame way as of the pope himſelf. They, perhaps, had ſeen no difference, but for his want of the pope's *ſacerdotal* capacity. Yet even this defect was, in ſome meaſure *, made up to him by his *regal*. So that between the majeſty of the kingly character, and the conſecration of his perſon by this myſterious endowment of the

* The biſhop does well to ſay — *in ſome meaſure*. For according to popiſh prejudices the ſacerdotal character is vaſtly above the regal. See POLE's addreſs to Hen. VIII. l. 1. where this high point is diſcuſſed at large.

ſpiritual, it is eaſy to ſee how well prepared the minds of men were to allow him the exerciſe of any authority to which he pretended.

And to what degree this ſpiritual character of head of the church operated in the minds of the people, we may underſtand from the language of men in ſtill later times, and even from the articles of our church, where the prerogative of the crown is ſaid to be that which GODLY KINGS have always exerciſed; intimating that this plenitude of power was inherent in the king, on account of that *ſpiritual and religious* character, with which, as head of the church, he was neceſſarily inveſted. The illuſion, as groſs as we may now think it, was but the ſame which blinded the eyes of the greateſt and wiſeſt people in the old world. For was it not juſt in the ſame manner, that by the policy of the Roman emperors in aſſuming the office of pontifex maximus, that is, incorporating the religious with their civil character, their authority became not only the more awful, but their *perſons* ſacred?

We ſee then, as I ſaid, how conveniently the minds of men were prepared to acquieſce in Henry's uſurped prerogative. And it is well known that this prince was not of a temper to balk their expectations. The ſequel of his reign ſhews that he took himſelf to be inveſted with the whole eccleſiaſtical power, legiſlative as well as executive; nay, that he was willing to extend his acknowledged right of ſupremacy even to the antient papal infallibility; as appears from his ſovereign deciſions in all matters of faith and doctrine. It is true, the parliament was ready enough to go before or at leaſt to follow the head of the church in all theſe deciſions. But the reaſon is obvious.

And

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And I need not repeat to you in what light the king regarded their compliance with him.

Mr. SOMERS.

It is very likely, for theſe reaſons, that the king would draw to himſelf much authority and reverence, at leaſt, from his new title of ſupremacy. But it does not, I think, appear that the ſupremacy had all that effect on the people's rights and the antient conſtitution, which your lordſhip's argument requires you to aſcribe to it.

Bp. BURNET.

I brought theſe general conſiderations only to ſhew the reverend opinion which of courſe would be entertained of this mixt perſon, THE SUPREME HEAD OF THE CHURCH, compounded of a king and a pope; and how natural a foundation it was for the ſuperſtructure of deſpotic power in all it's branches. But I now haſten to the particulars which demonſtrate that this uſe was actually made of that title.

And firſt let me obſerve that it gave birth to that great and formidable court of the HIGH-COMMISSION; which brought ſo mighty an acceſſion of power to the crown, that, as experience afterwards ſhewed, no ſecurity could be had for the people's liberties, till it was totally aboliſhed. The neceſſity of the times was a good plea for the firſt inſtitution of ſo dangerous a tribunal. The reſtleſs endeavours of papiſts and puritans againſt the eccleſiaſtical eſtabliſhment gave a colour for the continuance of it. But as all matters that regarded religion or conſcience, were ſubjected to it's ſole cognizance and inſpection, it was preſently ſeen how wide an entrance it gave to the moſt tyrannical uſurpations.

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It was further natural that the king's power in civil cauſes ſhould keep pace with his authority in ſpiritual. And fortunately for the advancement of his prerogative there was already erected within the kingdom another court of the like dangerous nature, of antient date, and venerable eſtimation, under the name of the court of STAR-CHAMBER; which brought every thing under the direction of the crown that could not ſo properly be determined in the high-commiſſion. Theſe were the two arms of abſolute dominion; which, at different times, and under different pretences, were ſtretched forth to the oppreſſion of every man that preſumed to oppoſe himſelf to the royal will or pleaſure. The ſtar-chamber had been kept, in former times, within ſome tolerable bounds; but the high and arbitrary proceedings of the other court, which were found convenient for the further purpoſe of reformation, and were therefore conſtantly exerciſed and as conſtantly connived at by the parliament, gave an eaſy pretence for advancing the ſtar-chamber's juriſdiction ſo far, that in the end it's tyranny was equally intolerable as that of the high-commiſſion.

Thus the king's authority in all caſes, ſpiritual and temporal, was fully eſtabliſhed, and in the higheſt ſenſe of which the words are capable. Our kings themſelves ſo underſtood it, and when afterwards their parliaments ſhewed a diſpoſition to interfere in any thing relating either to church or ſtate, they were preſently reprimanded and ſternly required not to meddle with what concerned their prerogative royal and their high points of government. Inſtances of this ſort were very frequent in Elizabeth's reign, when the commons were getting up, and the ſpirit of liberty began to exert

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exert itself in that assembly. The meaning of all this mysterious language was, that the royal pleasure was subject to no controul, but was to be left to take it's free course under the sanction of these two supreme courts, to which the cognizance of all great matters was committed.

This, one would think, were sufficient to satisfy the ambition of our kings. But they went further, and still under the wing of their beloved supremacy.

The parliament were not so tame, or the king's grace did not require it of them, to divest themselves entirely, though it was much checked and restrained by these courts, of their legislative capacity. But the crown found a way to ease itself of this curb, if at any time it should prove troublesome to it. This was by means of the DISPENSING POWER; which, in effect, vacated all laws at once, farther than it pleased the king to countenance and allow them. And for so enormous a stretch of power (which being rarely exercised was the less heeded) there was a ready pretence from the papal privileges and pre-eminencies to which the crown had succeeded. For this most invidious of all the claims of prerogative had been indisputable in the church; and it had been nibbled at by some of our kings, in former times, from the contagious authority of the pope's example, even without the pretence which the supremacy in spirituals now gave for it.

The exercise of this power, in the popes themselves, was thought so monstrous, that MATTHEW PARIS honestly complains of it in his time, as *extinguishing all justice* --- EXTINGUIT OMNEM JUSTICIAM.

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CIAM *. And on another occaſion, I remember, he goes ſo far, in a ſpirit of prophecy, almoſt, as to tell us the ill uſe that hereafter kings themſelves might be tempted to make of it †. His prediction was verified very ſoon: for Henry III. learned this leſſon of tyranny, and put it in practice. On which occaſion one of his upright judges could not help exclaiming, CIVILIS CURIA EXEMPLO ECCLESIASTICÆ CONQUINATUR ‡. And afterwards, we know, Henry VII. claimed and exerciſed this diſpenſing power in the caſe of ſheriffs, contrary to act of parliament §. It was early indeed in his reign, and when the ſtate of his affairs was thought to give a colour to it.

I mention theſe things to ſhew, that, ſince the pope's example had been ſo infectious in former times, it would now be followed very reſolutely when the tranſlation of the very ſupremacy, from which it had ſprung, ſeemed to juſtify it. And

* HIST. ANG. p. 694.

† Something to this purpoſe occurs in p. 706.

‡ The name of this reverend judge was ROGER DE THURKEBY. A cauſe was trying before him in Weſtminſter Hall, when one of the parties produced the king's letters patents with a *non-obſtante* in it. "Quod cum comperiſſet, ſays the hiſtorian, ab alto ducens ſuſpiria, de prædictæ adjectionis appoſitione, dixit; Heu, heu, hos ut quid dies expectavimus? ecce jam civilis curia exemplo eccleſiaſticæ conquinatur, et a ſulphureo fonte rivulus intoxicatur." p. 784. Hen. III.

§ The biſhop is too conciſe here, contrary to his uſual manner. Many ſtatutes, and eſpecially 23 Hen. VI. had forbidden the continuance of any perſon in the office of ſheriff for more than one year. Henry VII. diſpenſed with theſe ſtatutes. And the twelve judges reſolved in 2 Hen. VII. that, by a *non obſtante*, a patent for a longer time ſhould be good. — It ſeems, the good old race of the THURKEBYS was now worn out.

we

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we have a remarkable inſtance in Elizabeth's reign by which it may appear that this prerogative was publicly and ſolemnly avowed. For upon ſome ſcandal taken by the popiſh party upon pretence that the book of conſecration of biſhops was not eſtabliſhed by law, the queen made no ſcruple to declare by her letters-patent, that ſhe had, by her ſupreme authority diſpenſed with all cauſes or doubts of any imperfection or diſability in the perſons of the biſhops. My learned friend, Dr. Stillingfleet, in commenting this caſe, acknowledges the very truth. "It was cuſtomary, ſays he, in the pope's bulls, to put in ſuch kind of clauſes, and therefore ſhe would omit no power in that caſe to which the pope had pretended *."

And it is in this diſpenſing ſpirit that James I, having delivered it for a maxim of ſtate, "that the king is above law," goes on to affirm, in one of his favourite works, that general laws, made publickly in parliament, may, upon known reſpects to the king, by his authority be mitigated and SUSPENDED upon cauſes only known to him †."

We perceive the ground of that claim, which was carried ſo high by the princes of the houſe of Stuart, and, as we have juſt ſeen, brought on the ruin of the laſt of them. And to how great a degree this prerogative of the diſpenſing power had, at length, poſſeſſed the minds even of the common lawyers (partly from ſome ſcattered examples of it in former times, and partly from reaſons of expediency in certain junctures, but principally from the inveteracy of this notion of the

* See his Works, vol. iii. p. 806.

† The biſhop quotes this from *The true law of free monarchies* in the king's works, p. 203.

papal

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papal supremacy) we had an alarming proof in HALE's case, when eleven out of the twelve judges declared for it.

Sir J. MAYNARD.

Your lordship has indeed shewn that the poison of the papal supremacy began to work very fatally. If this blessed revolution had not happened, what could have been expected but that the next step would be, to set the crown above all divine as well as human law? And, methinks, after such a judgment in Westminster Hall, it could not be surprising if another set of men had served the king, in the office of the pope's janisaries, and maintained his right of dispensing with the gospel itself *, as well as the statute-book.

Mr. SOMERS.

I must needs think, Sir John, you are a little severe, not to say unjust in this insinuation; for which the churchmen of our days have surely given you no reason. And as for the reverend judges, methinks my lord of Salisbury might be allowed to expose their determination, at the same time that he so candidly accounts for it.

Bp. BURNET.

I perceive, my lord commissioner, with all his goodness and moderation, is a little apt to surmise the worst of our order. But I will try to reconcile him to it, and it shall be in the way he most likes, by making a frank confession of our infirmities.

* He alludes, I suppose, to the doctrine of the canonists who say, *Papa dispensare potest de omnibus præceptis* VETERIS ET NOVI TESTAMENTI. See *bishop* JEWELL's *apology of the church of England, against Harding*, p. 313.

For

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For another ſource of the regal dominion in later times, and ſtill ſpringing from out of the rock of ſupremacy (which followed and ſuccoured the court-prerogative, wherever it went, juſt as the rock of Moſes, the Rabbins ſay, journeyed with the Jewiſh camp, and refreſhed it in all it's ſtations) was the opinion taken up and propagated by churchmen, from the earlieſt æra of the reformation, concerning the irreſiſtible power of kings, and the PASSIVE OBEDIENCE that is due to it.

Sir J. MAYNARD.

Ay, there it is, I am afraid, that we are principally to look for the origin of the high pretences of our kings to abſolute government.

Bp. BURNET.

I ſhall diſſemble no part of the clergy's blame on this occaſion; and there is the leſs need, if I were ever ſo tender of their reputation, as their inducements to preach up this doctrine were neither ſlight in themſelves, nor unfriendly to the public intereſt.

It cannot be doubted that the churchmen eſpecially, both by intereſt and principle, would be cloſely connected with the new head of the church. Their former ſubjection in ſpirituals to the papal authority would of itſelf create a prejudice in favour of it, as now reſiding in the king's perſon. And the diſpoſal of biſhoprics and other great preferments being now entirely in the crown, they would of courſe be much addicted to his ſervice.

But theſe were not the ſole, or even principal reaſons that induced ſo wiſe and ſo diſintereſted perſons, as our firſt reformers, to exalt the royal prerogative

prerogative. They were led into this pernicious practice by the moſt excuſable of all motives, in their ſituation, an immoderate zeal againſt popery.

It is true, a very natural prejudice mixed itſelf with their other reaſonings. "The crown had been declared ſupreme, and to have chief government of all eſtates of this realm, and in all cauſes." And, though this declaration was levelled only againſt the pretenſions of every foreign, and particularly the papal power, yet, the clergy were given to conceive of it as a general propoſition. The reaſon was, that the people, from whom the juſt right of ſupremacy is derived, having, at this juncture, not yet attained the conſideration, which the nobles had loſt, they forwardly concluded, that if the royal eſtate were independent of the pope, it was unqueſtionably ſo of every other power. They could not, on the ſudden, be brought to think ſo reverendly of the poor people, even in their repreſentatives, as to allow that they had any pretenſion to reſtrain their ſovereign.

Sir J. MAYNARD.

I could ſwear to the truth of this account. One of the popes, I forget which, is ſaid to have called the deputies of the third eſtate in *France*, on a certain occaſion, NEBULONES EX FÆCE PLEBIS *. And though that might not be the language of churchmen in *England*, at this time, it was not far, perhaps, from expreſſing their ſentiments. It is certain, they ſoon taught their princes, who put themſelves to ſchool to the hierarchy †, to talk in this

* I find this particular taken notice of in K. James's works, p. 384.

† One of them, King James, profited ſo well by this diſcipline, that, as we are told on very competent authority, "He was the moſt able prince that ever this kingdom had,

ſtrain;

ſtrain, as appears from many of Elizabeth's and James's ſpeeches to the commons.

Bp. BURNET.

Something of this ſort, I grant you, but not in the degree you put it, might have an influence on the political reaſonings of the clergy. But their zeal for reformation was what prevailed with them moſt, and carried them fartheſt into theſe notions. It is ſomething curious to ſee how this happened.

Henry's uſurpation of the ſupremacy, as it was called at *Rome*, appeared ſo prodigious a crime to all good catholics, that no ſeverities were great enough to inflict upon him for it. Their writers proceeded to ſtrange lengths. Even our cardinal POLE ſo far forgot the greatneſs of his quality, and the natural mildneſs of his temper, as to exceed the bounds of decency in his invectives againſt him. And when afterwards, in right of this aſſumed headſhip, the crown went ſo far as to reject the authority of the church, as well as court of *Rome*, all the thunders of the Vatican were employed againſt this invader of the church's prerogative. The pope, in his extreme indignation, threatned to depoſe Edward. He did put this threat in execution againſt Elizabeth. Yet, in ſpite of religious prejudices, this was eſteemed ſo monſtrous a ſtretch of power, and ſo odious to all chriſtian princes, that the jeſuits thought it expedient, by all means, to ſoften the appearance of it. One of their contrivances was, by ſearching into the origin of civil power, which they brought rightly, though for this wicked purpoſe, from the people.

to JUDGE OF CHURCH-WORK." *Ded. of Bp. Andrew's ſermons to Charles I. by the biſhops* LAUD AND BUCKERIDGE.

For

For they concluded, that, if the regal power could be ſhewn to have no divine right, but to be of human and even popular inſtitution, the liberty, which the pope took in depoſing kings, would be leſs invidious. Thus the jeſuits reaſoned on the matter. The argument was puſhed with great vigour by HARDING and his brethren in Elizabeth's reign, but afterwards with more learning and addreſs by BELLARMINE, MARIANA, and others *.

To combat this dangerous poſition, ſo prejudicial to the power of kings, and which was meant to juſtify all attempts of violence on the lives of heretical princes, the proteſtant divines went into the other extreme; and to ſave the perſon of their ſovereign preached up the doctrine of DIVINE RIGHT. Hooker, ſuperior to every prejudice, followed the truth. But the reſt of our reforming and reformed divines ſtuck to the other opinion; which, as appears from the HOMILIES, the INSTITUTION OF A CHRISTIAN MAN, and the general ſtream of writings in thoſe days, became the opinion of the church, and was indeed the received proteſtant doctrine.

And thus unhappily aroſe in the church of *England*, that pernicious ſyſtem of divine indefeaſible right of kings: broached indeed by the clergy, but not from thoſe corrupt and temporiſing views to which it has been imputed. The authority of thoſe venerable men, from whom it was derived, gave it a firm and laſting hold on the minds of the clergy: And being thought to receive a

* This notion was ſtarted even ſo early as Henry's rejection of the ſupremacy. Cardinal Pole inſiſts ſtrongly on this origin of kingſhip in his book, *Pro eccleſiaſticæ unitatis defenſione.* L. i. p. 74.

counte-

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countenance from the general terms, in which obedience to the civil magiſtrate is ordained in ſcripture, it has continued to our days, and may, it is feared, ſtill continue to perplex and miſlead the judgments of too many amongſt us *.

Yet it could hardly have kept its ground againſt ſo much light and evidence as has been thrown at different times on this ſubject †, but for an unlucky circumſtance attending the days of reformation. This was the growth of puritaniſm and the republican ſpirit; which, in order to juſtify it's attack on the legal conſtitutional rights of the crown, adopted the very ſame principles with the jeſuited party. And under theſe circumſtances it is not to be thought ſtrange that a principle, however true, which was diſgraced by coming through ſuch hands, ſhould be generally condemned and execrated. The crown and mitre had reaſon to look upon both theſe ſorts of men as their mortal enemies. What wonder then they ſhould unite in reprobating the political tenets on which their common enmity was juſtified and ſupported?

This I take to be the true account of what the friends of liberty ſo often object to us, "That the "deſpotiſm of our later princes has been owing to "the ſlaviſh doctrines of the clergy." The charge ſo far as there is any colour for it, is not denied: and yet I ſhould hope to ſee it urged againſt us with leſs acrimony, if it were once underſtood on

* One would almoſt think the Biſhop, in ſaying this, had foreſeen the days of Sacheverell, and the decrees of the univerſity of *Oxford*.

† He means, I ſuppoſe, in the writings that were publiſhed by political men for twenty years together before the reſtoration; in which the great queſtion of the origin of civil government was thoroughly canvaſſed.

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what grounds theſe doctrines were taken up, and for what purpoſes they were maintained by the clergy.

Mr. SOMERS.

Beſides the candour of this acknowledgment, the part, which our clergy have lately acted, is, methinks, enough to abate and correct thoſe hard ſentiments, which, as you ſay, have been entertained againſt them.

Sir J. MAYNARD.

This apology ſeems indeed the beſt that can be made for them. But when one conſiders the baleful tendency of thoſe doctrines, which were calculated to enſlave the very ſouls and conſciences of men, and, by advancing princes into the rank of Gods, to abet and juſtify their tyranny, one cannot help feeling a ſtrong reſentment againſt the teachers of them, however they might themſelves be impoſed upon by ſeveral colourable pretences. Your lordſhip knows, I might proceed to further and ſtill harder reflections. But I have no pretence to indulge in them at this time, when a biſhop is pleading ſo warmly in the cauſe of liberty.

Bp. BURNET.

This tenderneſs to your friends, Sir John, is very obliging. But I would willingly engage your candour, in behalf of our order. Let me preſume, for ſuch a purpoſe, to ſecond Mr. Somers's obſervation, "That the *Engliſh* clergy have at "length attoned, in ſome meaſure, for former "miſcarriages."

Sir J. MAYNARD.

By their behaviour in a late critical conjuncture: And yet, to ſpeak my mind frankly, the merit of

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their ſervices, even on that occaſion, is a little equivocal when one reflects how unwilling they ſeemed to take the alarm, till they were rouzed, at length, by their own immediate object, the church's danger?

Bp. BURNET.

And can you wonder that what concerned them moſt, what they beſt underſtood, and was their proper and peculiar charge, ſhould engage their principal attention? Beſides, they went on principle, and with reaſon too, in ſuppoſing that no ſlight or partial breaches of law were ſufficient to authorize reſiſtance to the magiſtrate *. But when a general attack was made upon it, and the diſpenſing power was ſet up in defiance of all law, and to the manifeſt ſubverſion of the conſtitution, the clergy were then as forward as any others to ſignalize themſelves in the common cauſe of liberty.

Sir J. MAYNARD.

Their old favourite doctrine of *non-reſiſtance* was, I doubt, at the bottom of this cautious proceeding. But it was high time for them to lay it aſide, when they ſaw it employed as the ready way for the introduction of that popery, which, as you ſay, it was it's firſt intention to keep out.

Bp. BURNET.

It certainly was.---But not to purſue this argument any farther, let me return to the main point I had in view, which was "to account for the "growth of the regal power from the influence "of the transferred ſupremacy." There is ſtill

* The biſhop declares his opinion to this purpoſe very fully in ſeveral places of the hiſtory of his own times. His and his friend Tillotſon's repreſentations to the unhappy lord Ruſſell, no doubt, turned upon this principle.

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another inſtance, behind, which ſhews how well our princes underſtood the advantage they had gained, and how dextrouſly they improved it.

It ſeems prodigious, at firſt ſight, that when the yoke of *Rome* was thrown off, the new church, erected in oppoſition to it, ſhould ſtill continue to be governed by the laws of the old. The pretence was, that this was only by way of interim, till a body of eccleſiaſtical laws could be formed: And to cover this pretence the better, ſome ſteps were, in fact, taken towards the execution of ſuch a deſign. But the meaning of the crown certainly was to uphold it's darling ſupremacy, even on the old footing of the canon laws. This concluſion ſeems probable if one conſiders thoſe canons proceeded from an abſolute ſpiritual monarch, and had a perpetual reference to his dominion; that they were formed upon the very genius, and did acknowledge the authority of the civil laws, the proper iſſue, as my lord commiſſioner has ſhewn us, of civil deſpotiſm. Whoever, I ſay, conſiders all this, will be inclined to think that the crown contrived this interim from the uſe the canon law was of to the extenſion of the prerogative. Accordingly it is certain, that the ſucceeding monarchs, Elizabeth, James, and Charles, would never ſuffer us to have a body of eccleſiaſtical laws, from a ſenſe of this utility in the old ones; and a conſciouſneſs, if ever they ſhould ſubmit a body of new laws to the legiſlature, the parliament would form them altogether in the genius of a free church and ſtate *; and perhaps would be for aſſuming a ſhare in their darling ſupremacy itſelf.

With thoſe canon laws, and for the ſame purpoſe, as was obſerved to us, theſe princes retained a great

* The biſhop gives the ſame account of this matter in his Hiſtory of the Reformation. Part i. p. 330.

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great affection for the interpreters of them, the canon and civil lawyers; till the genius of liberty riſing and prevailing, in the end, over all the attempts of civil deſpotiſm, both the one and the other fell into gradual deſuetude and contempt: and as the canoniſts were little regarded, ſo their law is now conſidered no further than as it is countenanced and ſupported by the law of *England*.

But to ſee how convenient the doctrine of the canon law was for the maintenance of an abſolute ſupremacy, it needs only be obſerved that one of theſe canons, is, "That it is not lawful for any "man to diſpute of the pope's power." And to ſee how exactly our kings were diſpoſed to act upon it, one needs only recollect that immortal apothegm of the elder James, already taken notice of, "That "it is ſedition for the ſubject to diſpute what a king "may do in the height of his power."

And as the canon laws are the pope's laws, ſo we are told on the ſame ſupreme authority, that the Engliſh laws are the king's. For thus on another occaſion his majeſty expreſſes himſelf.---"Although a juſt prince (I believe I repeat his very "words) will not take the life of any of his ſubjects without a clear law: Yet the ſame laws, "whereby he taketh them, are made by himſelf, "or his predeceſſors; and ſo the power flows always from himſelf."---And again, "Although a "good king will frame all his actions to be according to the law, yet is he not bound thereto but "of his good will, and for good example giving to "his ſubjects *."

* TRUE LAW OF FREE MONARCHIES, p. 203.—What is ſaid of the king's being the *great ſchoolmaſter of the land* is taken from the ſame diſcourſe, p. 204. His words

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Thus decreed that *great ſchoolmaſter of the whole land* (to give his majeſty no harder a title than he was pleaſed to give himſelf) and it is difficult to ſay whence his ſupremacy extracted this golden rule of *free monarchies*, if not from the pope's own code of imperial canons.

Thus it appears what miſconceptions aroſe, and and what ſtrange concluſions were drawn from the king's ſupremacy in ſpirituals. One might proceed further in contemplation of this ſubject, but I have wearied you too much already. You will ſee from theſe ſeveral particulars how it came to paſs that the REFORMATION, which was founded on the principles of liberty and ſupported by them, was yet for ſome time the cauſe of ſtrengthening the power of the crown. For though the exerciſe of private judgment, which was eſſential to proteſtantiſm, could not but tend to produce right notions of civil liberty, as well as of religious faith and diſcipline, and ſo in the end was fated to bring about a juſt form of free government (as after ſome ſtruggles and commotions, we ſee it has happened) yet the tranſlation of ſupremacy from the pope to the civil magiſtrate brought with it a mighty acceſſion of authority which had very ſenſible effects for ſeveral reigns afterwards. The myſterious ſacredneſs and almoſt divinity which had lodged in the pope's perſon, was now inſhrined in the king's; and it is not wonderful that the people ſhould find their imaginations ſtrongly affected by this notion. And with this general preparation,

are theſe---" The people of a borough cannot diſplace their " provoſt—yea, even the poor ſchoolmaſter cannot be diſ- " placed by his ſcholars—How much leſs is it lawful upon " any pretext to controul or diſplace the great provoſt and " GREAT SCHOOLMASTER OF THE WHOLE LAND!"

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it followed very naturally that, in the ſeveral ways here recounted, the crown ſhould be diſpoſed and enabled to extend it's prerogative, till another change in the government was required to limit and circumſcribe it, almoſt as great as that of the reformation.

Mr. SOMERS.

I have liſtened with much pleaſure to this deduction which your lordſhip has made from that important circumſtance of the crown's ſupremacy in ſpirituals. I think it throws great light on the ſubject under conſideration, and accounts in a clear manner for that appearance of deſpotiſm which the Engliſh government has worn from the times of reformation. I have only one difficulty remaining with me: but it is ſuch an one as ſeems to bear hard on the great hypotheſis itſelf, ſo learnedly maintained by my lord commiſſioner in our late converſation, of the original free conſtitution of the Engliſh government. For allowing all you ſay to be true, does not the very transfer of the pope's ſupremacy to the king, conſidered in itſelf, demonſtrate that we had then, at leaſt, no conſtitution at all, to be invaded by the high claims of that prerogative? I explain this queſtion by aſking another. Upon the true principles * of the na-

* It were to be wiſhed that Mr. Somers had explained himſelf further on theſe *true principles* of ALLIANCE BETWIXT CHURCH AND STATE. One ſhould then have ſeen what to think of a late ſyſtem, under that name, which the diſſenters to a man, and ſome *moderate* divines of the eſtabliſhed church, have taken offence at. It is to be feared the author is one of thoſe men, that wiſh to ſee things continue as they are; and not, as the ſaints yearn, to ſee the rubbiſh of human ordinances taken out of the way, and the godly work of reformation puſhed on to GOSPEL-PERFECTION.

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ture of the two ſocieties, ſpiritual and temporal, (at leaſt as I conceive of them) allied together, does not it follow that the ſupremacy of the church ſhould devolve upon the ſupreme civil power; which with us, according to the preſent ſuppoſition, is in the three eſtates of the legiſlature? But this devolution, it ſeems, was on the king alone; a public acknowledgment, as I take it, that the conſtitution of the government was at that time conceived to be, in the higheſt ſenſe of the word, abſolutely MONARCHICAL.

Bp. BURNET.

I was not, I confeſs, aware of this objection to our theory, which is very ſpecious. Yet it may be ſufficient, as I ſuppoſe, to reply to it, that the work of reformation was carried on and eſtabliſhed by the whole legiſlature; and that the ſupremacy, in particular, though it of right belonged to the three eſtates, was by free conſent ſurrendered and given up into the hands of the king. It is certain this power, though talked of as the ancient right of the crown, was ſolemnly inveſted in it by act of parliament.

Sir J. MAYNARD.

There may be ſomething in this. Yet your lordſhip, I think, does not carry the matter quite far enough; and, with your leave, I will preſume to give another, and perhaps the truer anſwer to Mr. Somers's difficulty. The ſubject is a little nice, but I have not thoſe ſcruples which may reaſonably be conceived to reſtrain your lordſhip from enlarging upon it.

I reply then directly, and without ſoftening matters, that this irregular tranſer of the ſupremacy is no proof, that there was not then a CONSTITUTION,

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STITUTION, with a legitimate power in it, to which the ſupremacy belonged. And my reaſon, without offence to my lord of Saliſbury, is this. When the papal authority was aboliſhed, and the queſtion came into parliament, who now became the head of the church, the ſearch after him was not carried where it ſhould have been, into the conſtitution of the kingdom, but, as it was a matter of religion, they miſtook that, which was only an affair of church-diſcipline, to be a doctrine of theology; and ſo ſearched, for a ſolution of the queſtion, in the New Teſtament, and Eccleſiaſtical Hiſtory. In the firſt, obedience is preſſed to the perſon of Cæſar, becauſe an abſolute monarchy was the only government in being; and for the ſame reaſon, when afterwards the empire became chriſtian, the ſupremacy was aſſumed by the emperor; as it would have been by the conſul and ſenate, had the republic exiſted. Hence our reformers, going altogether by eccleſiaſtical example, and hoping to preſerve their credit againſt the reproaches of *Rome*, which, as your lordſhip knows, was perpetually charging them with novelties and innovations, recurred to early antiquity for that rule.

This laſt, I ſuppoſe, was a conſideration of convenience; the other, of conſcience. And thus by force of one text, ill-underſtood, *render unto Cæſar the things which are Cæſar's*, they put the ſpiritual ſword into the king's hands; juſt as by another, *he beareth not the ſword in vain* (for I know of no better authority) the temporal ſword had alſo been committed to his care.

Mr. SOMERS.

This laſt intimation, I am apprehenſive, would bear a further debate *. But I acquieſce in your

* Mr. Somers had reaſon for ſaying this; for the intimation was no leſs than that the power of the *militia* was

anſwer

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anſwer to my particular queſtion; I mean, unleſs the biſhop of Saliſbury warns me againſt ſubmitting to ſo heretical a doctor.

Bp. BURNET.

My lord commiſſioner chuſes to let ſlip no opportunity of expoſing what he takes to be an error in eccleſiaſtical management. Either way, however, I am not diſpleaſed to find that his main theſis keeps it's ground; and that, even according to his own account of the matter, the nation, when it gave up the ſupremacy to the king, was in poſſeſſion of a free and legal conſtitution.

On the whole, you give me leave then to preſume that the conſiderations, now offered to you, afford a reaſonable account of that deſpotic form under which the Engliſh government has appeared from the union of the two roſes down to the ſubverſion of the conſtitution in Charles the Firſt's time.

Other cauſes concurred; but the reformation was the chief prop and pillar of the imperial dignity, while the conſtitution itſelf remained the ſame, or rather was continually gaining ſtrength even by the neceſſary operation of thoſe principles on which the reformation was founded. Religious liberty made way for the entertainment of civil, in all its branches. It could not be otherwiſe. It diſpoſed the minds of men to throw off that ſluggiſhneſs, in which they had ſlumbered for many ages. A ſpirit of inquiry prevailed. Inveterate errors were ſeen through; and prejudices of all ſorts fell off in proportion to the growth of letters, and the progreſs of reaſon.

not in the king. It is certain Sir J. Maynard was of this opinion when the matter was debated in parliament in 1642. See Whitlocke, p. 56.

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The encreaſing trade and wealth of the nation concurred with the temper of the times. The circulation of property brought on a natural relaxation of the feudal ſyſtem. The plan of liberty was extended and enlarged; and the ballance of power ſoon fell into the hands of the people. This appeared very plainly from the influence of parliaments, and the daring attacks of many particular members on the higheſt and moſt favoured claims of prerogative. Our kings were ſenſible of the alteration: but, inſtead of prudently giving way to it, they flew into the oppoſite extreme, and provoked the ſpirit of the times by the very reluctance they ſhewed on all occaſions to comply with it. Every dormant privilege of the crown, every phantom of prerogative, which had kept the ſimpler ages in awe, was now very unſeaſonably conjured up to terrify all oppoſers to encroaching royalty. Lawyers and churchmen were employed in this ſervice. And in their fierce endeavour to uphold a tottering throne by falſe ſupports, they entirely overthrew it. The nation was out of all patience to hear the one decree the empire of the kings of England to be abſolute and uncontrollable by human law: And the other gave more offence, than they found credit, by pretending that the right of kings to ſuch empire was divine *. Every artifice

* The doctrines of divine right, as propagated by the churchmen of that time in their books and ſermons, are well known.—The deciſions of the lawyers were ſuch as theſe—It had been alledged on the part of Mr. Hampden in the great cauſe of ſhip-money, "that by a fundamental policy in the creation of the frame of this kingdom, in caſe the monarch of England ſhould be inclined to exact from his ſubjects at his pleaſure, he ſhould be reſtrained, for that he could have nothing from them, but upon a common conſent of parliament." Sir Robert Berkely, one of the judges of the king's-bench affirmed — "That the law knows no indeed

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indeed of chicane and ſophiſtry was called in to the ſupport of theſe maxims of law and theology. But the ſeaſon for religious and civil liberty to

ſuch king — yoking, policy :"— Sir Thomas Trevor, one of the barons of the Exchequer, " That our king hath as much power and prerogative belonging to him as any prince in Chriſtendom :" The attorney general, Sir John Banks, " That the king of England hath an entire empire; he is an abſolute monarch: nothing can be given to an abſolute prince, but is inherent in his perſon." *State Trials*, vol. i. Such was the language of the guardians of the law, the temple or ſanctuary, as it has been called, whither the ſubject is to run for ſhelter and protection. Had not Mr. ST. JOHN then much reaſon for ſaying, as he did on that occaſion, " We have the fabrick of the temple ſtill; but the gods, the DII TUTELARES, are gone." There is the more force and propriety in this cenſure, as it comes from a man who was himſelf of the profeſſion. And another of the ſame order, the beſt and wiſeſt perhaps that preſided in thoſe days in the temple of law, proceeds with a juſt indignation ſtill farther — " Theſe men, (ſaid Mr. HIDE in a ſpeech to the lords) have, upon vulgar fears, delivered up the precious forts they were truſted with, almoſt without aſſault; and in a tame eaſy trance of flattery and ſervitude, loſt and forfeited (ſhamefully forfeited) that reputation, awe and reverence, which the wiſdom, courage, and gravity of their venerable predeceſſors had contracted and faſtened to their places; and have even rendered that ſtudy and profeſſion, which in all ages hath been, and I hope now ſhall be, of honourable eſtimation, ſo contemptible and vile, that had not this bleſſed day come, (the day of impeachment of the ſix judges) all men would have had that quarrel to the law itſelf, which Marcius had to the Greek tongue, who thought it a mockery to learn that language, the maſters whereof lived in bondage under others."— Thus theſe eloquent apologiſts for law and liberty. The concluſion is, that, though in the great bodies of churchmen and lawyers, ſome will always be found to diſhonour their profeſſion, there have never been wanting others to do juſtice to the public, and to aſſert, maintain, and preſerve the dignity of their reſpective orders.

prevail

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prevail over the impotent attempts of each, was at hand. The near approach of the *divine form* created an enthuſiaſm, which nothing could reſiſt. It fruſtrated the generous views even of her firſt and ſincereſt worſhipers. In the career of thoſe ecſtatic orgies, the unhappy king could not prevent his miniſters, firſt, and afterwards the conſtitution itſelf, from falling a victim to that fury, which, in the end, forced off his own head.

Such was the iſſue of this deſperate conflict between prerogative and liberty. The wonder was, that this fatal experience ſhould not have rectified all miſtakes, and have ſettled the government on a ſure and laſting baſis at the reſtoration. The people were convinced, that nothing more was requiſite to their happineſs, than the ſecure poſſeſſion of their antient legal conſtitution. The recalled family were not ſo wiſe. And in their attempts to revive thoſe old exploded claims, which had ſucceeded ſo ill with their predeceſſors, they once more fell from the throne, and left it to the poſſeſſion of that glorious prince whom the greatly injured nation has now called to it.

THIS THEN will be conſidered by grateful poſterity as the true æra of Engliſh liberty. It was interwoven indeed with the very principles of the conſtitution. It was incloſed in the antient trunk of the feudal law, and was propagated from it. But its operation was weak and partial in that ſtate of its infancy. It acquired freſh force and vigour with age, and has now at length extended its influence to every part of the political ſyſtem.

Henceforward, may we not indulge in the expectation that both prince and people will be too wiſe to violate this glorious conſtitution: theonly one

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one in the records of time, which hath ever attained to the perfection of civil government? All the bleſſings of freedom which can conſiſt with kingly rule, the people have: all the prerogatives of royalty, which can conſiſt with civil freedom, are indulged to the king. From this juſt intermixture of the popular and regal forms, planted together in the earlieſt days, but grown up at length to full maturity, there ariſes a reaſonable hope that the Engliſh conſtitution will flouriſh to the lateſt ages; and continue, through them all, the boaſt and glory of our country, and the envy and admiration of the reſt of the world.

Mr. SOMERS.

How generous in your lordſhip is this patriot augury of immortality to the Engliſh conſtitution! Yet I dare not be ſo ſanguine in my expectations *. And Sir John Maynard, I ſuſpect, who has ſeen the madneſs of kings and people, in their turns, will hardly expect it from me. It may be ſufficient that we put up our ardent vows to heaven for the long continuance of it. Leſs than this cannot be diſpenſed with in an honeſt man. Every bleſſing of civil policy is ſecured to us by this new but conſtitutional ſettlement. And may our happy

* A great lawyer however, and one of the ornaments of Mr. Somers's own Houſe, is not afraid to indulge in theſe generous expectations. In a late treatiſe, in which he explains, with exquiſite learning, the genius of the feudal policy, "Theſe principles, ſays he, are the principles of freedom, of juſtice, and ſafety. The Engliſh conſtitution is formed upon them. Their reaſon will ſubſiſt, as long as the frame of it ſhall ſtand; and being maintained in purity and vigour, will preſerve it from the uſual mortality of government." *Conſiderations on the Law of forfeiture.* 3d Ed. Lond. 1748.

country

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country enjoy it, at leaſt as long as they have the ſenſe to value, and the virtue to deſerve it.

Sir J. MAYNARD.

When theſe fail, our wiſhes, and even prayers themſelves will hardly preſerve us. Vice and folly as you ſay, may do much towards defeating the purpoſes of the beſt government. What effect theſe may have, in time, on the Engliſh liberty, I would not, for the omen's ſake, undertake to ſay. YOU, my lord, and Mr. SOMERS (who are ſo much younger men) may be able, hereafter, to conjecture with more certainty of it's duration. It is enough for me that I have lived to ſee my country in poſſeſſion of it.

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POST-SCRIPT.

WHILE theſe ſheets were in the preſs, and when the greater part of them had been printed off, the new *hiſtory of England under the houſe of Tudor* came forth, and chanced to fall into the hands of the editor. It was amuſing to him to obſerve, in this work, a deſign carried on, with no ſmall art, to advance that very ſyſtem of policy which the concluding dialogues in this collection ſeemed effectually to have overthrown.

It is true, no part of this amuſement aroſe from the hiſtorian's uſual art, which, like that of Bays, is *to ſurprize and elevate*; the editor eaſily recollecting, that the foundations of this writer's ſyſtem had been laid before in his *hiſtory of England under the houſe of Stuart*. For it is to be noted, that the method obſerved by him in theſe hiſtories is as ſingular as his view in compoſing them. For having undertaken to conjure up the ſpirit of abſolute power, he judged it neceſſary to the charm, to reverſe the order of things, and to evoke this frightful ſpectre by writing (as witches uſe to ſay their prayers) *backwards*.

However the end ſhould, in all reaſon, attone for the perverſeneſs of the *means*. Accordingly, while one half of his pains is laid out in expoſing the abſurdities of *reformed religion*, the other half is ſuitably employed in diſcrediting the cauſe of *civil liberty*.

With his ſentiments of religion, the editor of theſe dialogues hath nothing to do. But this injurious

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rious treatment of the *ſtate* is ſo offenſive to the civil zeal of the public, that, had the hiſtory appeared in due time, he ſhould hardly have failed, in his office of annotator, to beſtow ſome occaſional animadverſions upon it.

As it is, he contents himſelf, for the preſent, with one word on the hiſtorian's *ſyſtem*, and on the *concluſion* he would have us draw from it.

His SYSTEM is, "That the high prerogative of the crown, ſo much pretended to, and ſo warmly oppoſed, in the reigns of the houſe of Stuart, was the antient, the hereditary, the rightful patrimony of our Engliſh monarchs:" And he builds it on this foundation, "That ſuch prerogative was exerciſed by the princes of the Tudor family, and that their adminiſtration was, in the higheſt degree, imperious, arbitrary, and deſpotic."

This point indeed the hiſtorian labours through all the volumes of his hiſtory, but more eſpecially in thoſe juſt given to the public. He hath his reaſons for laying the utmoſt ſtreſs upon it, of which ONE, we may ſuppoſe is, that he takes it for a ſort of *diſcovery*, which the zeal of our late writers in politics, or rather their profound ignorance * of the Engliſh hiſtory, prevented them from making.

* "The party amongſt us who have diſtinguiſhed themſelves by their adherence to liberty and a popular government, have long indulged their *prejudices* againſt the ſucceeding race of princes, by beſtowing unbounded panegyrics on the virtue and wiſdom of Elizabeth. *They have even been ſo extremely ignorant* of the tranſactions of this reign as to extoll her, &c.

Hiſt. of England. *Elizabeth*, p. 716.

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Now here it muſt be a ſatisfaction to the ſyſtematic hiſtorian to find this favourite point, not only wholly conceded to him, but, as the editor preſumes to think, fully and fairly accounted for, in the preceding dialogues *on the conſtitution.*

His CONCLUSION follows, in due form, "That therefore the patriots, to whom we owe our preſent and, it ſeems, lately uſurped liberties, are little deſerving of thoſe praiſes which have been ſo largely beſtowed upon them; and that the memory of the houſe of Stuart, from whom they were uſurped, cannot be foſtered with too much tenderneſs and compaſſion." I hardly miſtake his meaning; but his own words, as decency required, are ſomething ſofter --- "The praiſe, which we beſtow on thoſe patriots, to whom we are indebted for our privileges, ought to be given *with ſome reſerve*, and ſurely *without the leaſt rancour* againſt thoſe who adhered to the antient conſtitution *."

But though his apology for the unhappy Scotiſh line be very generous, every one may not be brought to feel the force of his concluſion. For how does it follow that, becauſe the arbitrary government of one family was born with by the people, in certain critical conjunctures, or was neceſſary to be complied with for certain temporary and political ends, *therefore* they ſhould ſuffer another family to confirm and perpetuate that tyranny; when their own more antient privileges, not to ſay the genius of their conſtitution, reclaimed againſt it; and when all the reaſons had now ceaſ-

* Ibid.

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ed, which had procured and ſeemed to merit that indulgence?

We are told indeed that "in the particular exertions of power, the queſtion ought never to be forgot, *what is beſt?* But in the general diſtribution of power among the ſeveral members of a conſtitution, there can ſeldom be admitted any other queſtion, than *what is uſual* †?"

Were this true, is that *uſe* to be eſtimated only from the immediately preceding times? And is it preſumption to inquire, not only, as K. James ſaid, what the reigning prince may do in the plenitude of his power, but what his predeceſſors had been *accuſtomed* to do, and what indeed they were *required* to do by the conſtituent principles of the monarchy? Above all, ſhall a great people be ſo freely cenſured for looking back into their old charters; and, when ſo mighty a cauſe as that of liberty is pleading, ſhall they be rigorouſly tied up to the precedents of two or three reigns, when they could ſo eaſily defend themſelves by alleging their elder uſages, and by oppoſing to theſe novel encroachments the more reverend preſcription of ages?

At this rate I deſire to know how a free conſtitution could ever ſubſiſt, or at leaſt preſerve itſelf in any country? Ambition, intrigue, expediency, neglect, and even chance itſelf are conſtantly introducing, and for a time will frequently continue, infringements of a people's rights. And ſhall uſurpation under the name of *uſe* be preſently pleaded againſt the reſumption of them?

† Ibid.

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" But whether theſe patriots were to blame, or no, for oppoſing *what was uſual*, ſurely that family who followed ſo reaſonable a rule, or, in the hiſtorian's language, *who adhered to the antient conſtitution*, can be thought deſerving of no great cenſure."

What, not for endeavouring to rivet thoſe chains of ſervitude, which their predeceſſors had perhaps been kindly forging, on the necks of their ſubjects? Not, for endeavouring to turn irregularities into precedent, and extravagancies into ſyſtem, and ſo to enſlave a mighty people beyond all hopes of redemption; a people, that had juſt before unanimouſly called this family to the throne, and whoſe liberties had been reſpected even in the higheſt exertions of former tyranny? The *cauſa regnandi*, which tyrants magnify ſo much, muſt ſurely, in the opinion of this political caſuiſt, be a powerful excuſe, to juſtify theſe enormous attempts, and to cover the infamy of entailing ſo peſtilent a miſchief, as that of CIVIL SERVITUDE, on the ſouls and bodies of their good ſubjects.

" Few examples, he obſerves, occur of princes, who have willingly reſigned their power. None of thoſe who have, without ſtruggle, allowed it to be extorted from them *." It may be ſo; and, for the credit of princes, I am ſorry for it. But what glory then had the Stuart line acquired to themſelves by purſuing ſo juſt a conduct without, and beyond example? " It was not to be expected, he will ſay with much eaſe, for that *antient practice* ought to be followed, and that, in exerciſing an

* Ibid.

arbitrary

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arbitrary dominion, they did but adhere to *the antient conſtitution.*"

But here I ſuſpect the hiſtorian to be playing tricks with us. For what, might one aſk him, is this *antient practice*, and *antient conſtitution?* He is ſomething ſhy of anſwering this queſtion, and it is well we can do it ourſelves by reflecting on what he hath caſually, as it may ſeem, but not improvidently dropped elſewhere in the former part of this hiſtory †; where he warns us *againſt the curioſity of looking farther back into the Engliſh affairs than the acceſſion of the Tudor family*, that is, of that very family, which had ſet the example of this *antient practice*, and had given birth to this *ancient conſtitution.*

This warning to his reader was very kind, but, I doubt, will hardly be taken by thoſe for whoſe ſake it is intended; the friends of liberty knowing very well (at leaſt the moſt *ignorant* of them may now know from the peruſal of theſe dialogues) that the Engliſh conſtitution was formed and even fixed on immoveable principles of public freedom long before the acceſſion of the houſe of Tudor. So that to interdict our reſearches into the remoter parts of our hiſtory, is, in effect, to bid us ſhut our Eyes, and ſwear againſt day light. It is juſt as reaſonable as to ſay that, to judge of the Greek and Roman conſtitutions, there is no need of going farther back in our reading than to the reign of PISISTRATUS, or the dictatorſhip of SYLLA, for that all before thoſe æras contributeth nothing to a knowledge of the thing in queſtion. But in the baſeſt times of Greece and Rome we ſhall not find

† Hiſt. of Eng. HEN. VII. p. 67.

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an Hiſtorian of either nation baſe enough to give this council to his fellow citizens.

Yet this advice, as much as we may reſent it, was perfectly ſuited to the writer's views of conciliating our eſteem for his *antient practice* and *antient conſtitution*. For that *practice* muſt needs appear antient, beyond which nobody knows of any thing further; and that *conſtitution* may well deſerve to be reſpected for it's age, which commenced with the earlieſt inſtructions of our hiſtory.

Thus much I have taken upon myſelf to ſay, as editor of theſe dialogues on the *conſtitution of the Engliſh government*; which are luckily ſo compounded as to afford a ſeaſonable antidote to the poiſon of this new hiſtory. For if it be true, as the *firſt* of them pretends, "That we had a *free conſtitution* for ages before it ſuffered an interruption under the baleful influence of the Tudors;" and a reaſonable account be given, in the *ſecond*, "Why the nation was contented to repoſe itſelf for a time under the ſhade of deſpotiſm, while the veſtal fires of liberty burnt faintly indeed, but were not extinguiſhed;" The reader is left to himſelf to anſwer that inſulting queſtion, "*Whether it was the people, who encroached upon the ſovereign, or the ſovereign, who attempted to uſurp on the people* †."

To conclude, though ſuch a hiſtory as this may be looked upon as an inexpiable prodigy, in theſe

† "I ſhall only aſk, whether it be not ſufficiently clear from all theſe tranſactions, that in the two ſucceeding reigns [of James and Charles] it was the people who encroached upon the ſovereign; not the ſovereign, who attempted, as is pretended, to uſurp upon the people? Hiſt. of Eng. ELIZ. p. 611.

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golden days of *Britiſh* freedom, yet warmed, as the editor is, with the ſpirit of old Maynard, he cannot help taking one comfortable preſage from it. It is, " That Britons will never hereafter ſuffer the leaſt encroachment on their (now, at leaſt) conſtitutional rights and privileges; leſt not only that indulgence ſhould favour the introduction of tyranny, but (which is more provoking, tho' leſs terrible) leſt it give a handle to thankleſs men, grown wanton in the abuſe of liberty, to calumniate the friends and benefactors of mankind, and to plead the cauſe of tyrants."

FINIS.

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